

R & Walker

THE TASMANIAN MUSEUM

Date:- .5 NOV. 1943

Presented by Mr C. M. Atkins

20404

6723/R48.  
RS. 114



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Van Diemen's Land  
7<sup>th</sup> February 1842

My Lord,

It having pleased Sir John Franklin to remove  
me from the office of Colonial Secretary I beg your Lordship  
will be pleased to suspend your judgment on such proceeding  
until I shall have an opportunity of presenting my explanation  
to your Lordship, to enable me to do which I proceed to England  
in the "Zalumbka" which vessel sails to morrow. —

I have the honor to be

My Lord,

Your Lordship's  
most obedient

humble servant

John Montagu

The Right Honble

The Secretary of State  
for the Colonies. —  
to be to —

20404

15 Hanover Street  
Hanover Square  
24<sup>th</sup> June 1843.

To the Right Hon<sup>ble</sup>  
Lord Stanley  
Esq

My Lord,

On the 7<sup>th</sup> of February last I had the honor to inform Your Lordship that it had pleased Sir John Franklin to remove me from the Office of Colonial Secretary of N. D. Land, and I begged Your Lordship would suspend your judgment on that proceeding until I should have an opportunity of submitting an explanation after my arrival in England.

2. I have now the honor to report my arrival and that I am prepared to afford any explanation Your Lordship may be pleased to require of me.

3. But anxious as I am to do so, I cannot conceal that great pain and mortification are inseparable from a suspension from Office and that deep humiliation must attend the defence of a Character - hitherto unimpeachable - after a zealous and honorable Service of Eighteen Years under the Government.

4. As I may be uninformed of the whole matter of charge, I respectfully solicit Your Lordship will cause to be communicated to me any thing which

Sir J. Franklin has introduced against me of which I am ignorant.

5. Meanwhile, I will submit such observations as appear to me to be essential for Your Lordship's information, so far as I am enabled to do by a reference to the Correspondence and events which have arisen between Sir John Franklin and myself, but should imperfections appear in my defence, I trust Your Lordship will attribute them to my want of knowledge of the whole Allegation.

6. It is with great regret in the performance of this duty to myself, that I am compelled to introduce the name of Lady Franklin, standing as she does in so near a relation to the Lieut. Govt but it is unavoidable.

7. When Sir John Franklin arrived in V. D. Land in January 1837, I held the Office of Colonial Secretary there. It was soon apparent that he had undertaken an Office for which his professional Education and previous habits of life had in no way prepared him. His inaptitude for Public Business and his inexperience in the affairs and Science of Government could not be concealed. In fact his own frank admissions satisfied every one upon these points. Under such circumstances he required all the Aid I could possibly afford him without limitation, which I most cheerfully, and I hope efficiently,

tendered. He consulted me on all subjects, and was generally guided by my opinions and advice. Subsequent differences between him and his Private Secretary (Capt. M. Macnochie) which led to his withdrawal of Confidence from that Gentleman, increased his demands and my labors. His decided as well as oft repeated, and spontaneous acknowledgements of his debt to me were made to myself and many others, and I had the high gratification of feeling that I had not only served him materially, but thereby promoted the public welfare, and prevented the occurrence of many serious evils.

8. In February 1839 my health, — from the extreme labor I had undergone in my office, rendered relaxation from business necessary, and my presence being required in England upon urgent private affairs, I quitted the Colony upon leave of absence, and returned there to my duty in March 1841. From Sir John Franklin I had the most cordial reception. He requested me to conduct the public business precisely as before, and nothing could exceed his satisfaction and the mutual Confidence and Cooperation between us, until, in October last, I had the misfortune, under a sense of Public duty, to mention the name of Lady Franklin in an official communication with

the Privy Council upon the following Subject:  
 9. In September last Doctor Cooredale, the  
 Assistant Surgeon of the District of Richmond,  
 was dismissed for gross neglect of duty, which,  
 in Sir John Franklin's Division, "had probably  
 led to the death of a Patient" but he was  
 restored in the following month upon a  
 private petition Lady Franklin had sug-  
 gested.

10. It is worthy of remark that the Petition  
 was signed by Twenty Six persons only and  
 none of them was the Foreman of the jury  
 at whose particular request the misconduct  
 of Doctor Cooredale had been in the first  
 instance brought under the notice of the Govt.  
 but when Sir John Franklin put that Signature  
 prominently forward in his Memorandum of  
 the 20<sup>th</sup> October as a ground for restoring  
 the Doct<sup>r</sup> Cooredale, he appears to have forgotten that  
 the vacillation of that Gentleman only afforded  
 a remarkable example of the truth of his own  
 representation upon the facility of acquiring  
 signatures to Petitions in Van Diemen's Land,  
 upon which subject he addressed the Secretary  
 of State in 1838 and explained to him the  
 reasons for his opinion, that such Petitions  
 were of no value and why no dependence could  
 be placed upon the names attached to the

Petition for procuring Mr. Gregg's liberation from  
jail - To that Dispatch I venture most respectfully  
to request your Lordships attention.

11. Doctor Coardale's Restoration was, unfortunately,  
so conducted, as to make it appear that the dismissal  
had been an unauthorized act of mine which it was  
intended to correct and the manner of doing it  
was otherwise, so unusual, as to bring discredit  
on the Government. I pointed out the sad effect  
of such a proceeding to Sir John Franklin who  
admitted it - but remarked, that I had first  
suggested Dr. Coardale's dismissal to him - To  
this I observed, that it was only in compliance  
with his own Request that my Opinion should  
be given upon such Cases, when submitting the  
Papers, that I had been induced to offer it, but  
since, under the Secretary of State's instructions, it  
was no part of my duty to offer opinions until  
required to do so, but merely to submit the  
Papers complete in information for his instruction  
I thought I had better in future confine myself  
to the ostensible duties of Colonial Secretary and  
reserve my opinion until he required it. To  
this alteration he gave his full assent and then  
I added that it would be necessary for me to  
"conduct the business of my Department with  
"extreme caution to prevent, so far as I could, the  
"Opinion from extending, that I needed the"

"proper duties of my Office". At parting Sir John Franklin shook hands and thanked me for having told him what I felt, entirely approving the proposed alteration.

12. I am very anxious that Your Lordship should bear the latter part of this conversation in mind as it is of so much importance in reference to the reasons given for my suspension from Office.

13. The same day I dined on board the French Frigate "La Zélé" and there met Sir John Franklin, whose attention and friendly manner towards me were so very conspicuous as to occasion remark and trace, in consequence, the strongest impression on my mind of his perfect satisfaction of what had passed between us, in the morning.

14. On the following day Lady Franklin wrote and informed me, that Sir John had repeated to her the substance of what had passed, and she called upon me to account for putting her in her defence. The correspondence extended to several notes and it ended by creating a breach between Lady Franklin and myself. — She then addressed herself to Mr. Forster, the Chief Police Magistrate through whom I had in the first instance heard of her interference in Dr. Crookdale's case. Upon my next interview instead of his receiving me, as he always had done, in a



friendly, familiar manner and shaking hands with me, Sir John Franklin was formal, and reserved; we transacted the Public Business, <sup>however</sup> precisely as before, with the same freedom and Confidence on both sides, - but when I rose to take my leave; he resumed the same formal manner. I therefore concluded that although our Official Relations remained unchanged, we had been brought to the position of alienated friends.

15. Shortly afterwards I was suddenly charged by Sir John Franklin with appointing Doctor Philpott to the vacancy Dr. Coovadales Removal had occasioned, not only without but in opposi-tion to his Authority, but as I was enabled to disprove this and he admitted he was under "an erroneous impression", Your Lordship will I trust view my Conduct on that occasion in a favorable light, although Sir J. Franklin did not relieve me from so serious an imputation as fully as I conceive I was justly Entitled to.

16. I trust likewise that the course I pursued in the case of Dr. Coovadales Restoration, under a strong sense of Zeal for the Credit and Consistency of the Govt. public Acts will be as favorably viewed by Your Lordship.

17. The correspondence between Lady Franklin and myself and also that between her Ladyship

and Mr. Forster are in my possession and at Your Lordships Service should you desire to see them.

18. As Sir John Franklin will transmit the Official Papers upon the Cases of Drs Crocodale and Helgour the only documents I need trouble Your Lordships with on these Subjects are Memoranda of Conversations between Sir John Franklin and myself (written immediately they terminated) On the 26<sup>th</sup> October and 2<sup>nd</sup> of November and a Memo by Mr Forster of what took place with him in reference to Dr Crocodale's Case.

19. Although Sir J. F. continued to maintain a reserve towards me when we met, there was no alteration whatever in the conduct of the Public business - Every thing proceeded in the same satisfactory manner as before the Conversation in which Lady Franklin's name was introduced, until the 11<sup>th</sup> of January.

20. He then enquired what steps, if any - I had taken to assert the dignity of his Govt. in consequence of some articles of an insidious tendency having appeared in the "V. D. Land Chronicle" Newspaper which he stated he had made the Organ of his Govt. at my request - I replied that I had no recollection of any such Conversation, that at all events I had never -

availed myself of that authority and could not consequently withdraw assistance. I had never offered.

21. Sir John Franklin had always been in the habit of causing information which he desired to make public, to be sent sometimes to one, and sometimes, to another of the Newspapers. I had generally conveyed it for him, by sending for the Editor to my Office. At his request I communicated to the Editor of the C.D.L. Chronicle the information for the two Articles marked in the accompanying numbers of that paper, published in July, leaving it to the Editor's discretion to use as much or as little of the information as he pleased. In the beginning of August I gave that Editor (by direction) an Official Return of the Exports and Imports of Meat. I told him Sir John Franklin had his reasons for not publishing the Return itself but wished the substance of it only to appear. He did, however, publish the whole return on the 6<sup>th</sup> of August, upon which I submitted to Sir John Franklin, as he noticed it, that it would be better not to give him anything more but rely, in future, upon the "Courier". To this he assented and from that hour I neither directly, nor indirectly, afforded information of any kind to that Editor, although I did frequently afterwards by the Secret Government to the "Courier".

22. Sir John Franklin must have forgotten this fact when he applied to me in January to know what steps I had taken to assert the dignity of his Govt upon the objectionable articles which appeared in December, nor does it appear to have occurred to him, until my reply to that enquiry brought to his recollection that all communication between the Editor and me had ceased in August.

23. Sir John Franklin continued his communications however, to the Editor, Mr. M<sup>r</sup> Drwell, through his Private Secretary to a much later period, but when I addressed him upon that point (as Your Lordship will perceive by the Correspondence) that he would afford me no direct answer to my enquiries but evaded the questions. I happen to know however, that information and several articles were furnished that paper from G<sup>o</sup> House to a very late date, and that too while the Editor was libelling me in the most manner. In the accompanying Chronicle of the 12<sup>th</sup> of Nov<sup>r</sup> I have marked one of such articles.

24. Sir John Franklin next charged me with indifference to the Interests of his Govt but I showed so conclusively the error he was under on that point, that he never afterwards alluded to it, feeling probably the improper use he had, under misapprehension, made of a Private Correspondence between Mr. Henslow and myself.

upon which that charge was made against me.

25. He also imputed to me an intimacy with the proposed Libellers of his Govt. but after my direct denial of it, he was silent on that point likewise. Having heard that this last charge was grounded upon the single fact of the Editor of the Chronicle having been in Company with me and others for two days in a journey to Marlborough, I waited upon Sir John Franklin and informed him under what circumstances it had occurred. I explained to him that I did not know M<sup>r</sup>. W<sup>m</sup>. Dorell, would join the party at Hamilton (45 miles from Robert Town) till after I had started from Robert Town, when M<sup>r</sup>. Foster, who accompanied me, informed me of it and stated that he had acceded to M<sup>r</sup>. W<sup>m</sup>. Dorell's request to avail himself of the guide we had to visit his estate there. It is necessary I should mention that the Country leading to Marlborough is unsettled and that travelling through it without a guide is impracticable.

26. By the accompanying Note\* from M<sup>r</sup>. Foster your Lordship will find that I was, in ignorance of, M<sup>r</sup>. W<sup>m</sup>. Dorell's intention to join us, and the Note from M<sup>r</sup>. W<sup>m</sup>. Dorell, proves that he did not even know I was to be one of the Party till he met me at Hamilton.

27. My explanation to Sir J. Franklin occurred

\* See Enclosure No 2 page 37

on the 18<sup>th</sup> of January, and I imagine it satisfied him since he never afterwards alluded to the Subject.

28. The Notes from Mr. Foster, Mr. M. Donnell, and Mr. Mitchell, the Assistant Colonial Secretary, together with my own appearance, in the most unqualified terms to the Lieutenant Governor through Captain Ainsworth, the Brigade Major of not having been a party in any way whatever, directly or indirectly & or of not having had any knowledge before publication of the objectionable articles which appeared in the Chronicle in Dec. last, will I trust fully exonerate me from any imputation or suspicion on that account.

29. At the interview last referred to, I was conscious that Sir John Franklin should tell me candidly of what he suspected me, and in what I had displeased him. When my name was announced he immediately left his Office and passed into the House, and returned in about a quarter of an hour. Your Lordship can form a general of the Conversation Note, formed a faint notion of the treatment I was exposed to at that meeting; He was in such a state of nervous excitement, and agitation, amounting almost to alarm, that it was painful beyond description to witness.

His conduct however was not of that kind which  
 X See Enclosure No 2 - Page 37

is the result of personal resentment, but of that which is produced from the excessive fear of doing or saying something untoward.

30. On the same day (18<sup>th</sup> January) I received a Memorandum from Sir John Franklin, which in effect precluded me from all further conversation with him on Official business. Since he decided, that verbal communications between us relating to the Public Service, were not to be used by either party, until reduced to writing. He informed me that "recent experience had taught him the danger of Conversations," but as he had never in any instance, supported his recollection in our (private) Conversations, and only once in our public, viz. that relating to "The Van Diemens Land Chronicle," I lamented the injury which I feared would accrue to the public interests and which it did not appear to me, ought to have been regarded because one difference in our recollections had arisen.

31. My own feelings as a Public Officer and a Gentleman were deeply wounded by the Memorandum; but under the advice of my friends I determined to subscribe them.

32. During one week afterwards the Public business went on smoothly and satisfactorily under this arrangement. Nothing occurred to occasion embarrassment, and the storm to all

appearance had subsided.

33. Six days afterwards viz. on the 24<sup>th</sup> Jan<sup>y</sup> Sir John Franklin summoned me to attend the Executive Council (although there was no necessity for my presence as there was a quorum without me) where I was engaged in advising him for nearly three hours on that day upon subjects of considerable importance to His Gov<sup>t</sup>. After these demonstrations of tranquillity, Your Lordship can imagine with what surprise I received a communication from him early on the following morning (25<sup>th</sup> January) acquainting me that he had suspended me from Office - But, my Lord, if my surprise was great at the announcement, it was very much greater at the reason assigned. I was quite unprepared to be charged, and at the same moment suspended for want of respect to the Representative of my Sovereign, without any previous enquiry, without a caution, and even without a suspicion of it on my own mind. I had, providentially supported the honor and dignity of the Brit<sup>h</sup> Gov<sup>t</sup> with zeal and scrupulous attention and my conduct at Dr Cordalis Restoration, is an example of it.

34. The charge upon which I was suspended was, "that the tone of my late Correspondence" and the tone of my conduct during "the last"

\* See page 71



"Three Months had been so disrespectful as to"  
 "under my continuance in Office derogatory to the"  
 "Honor of the Crown and detrimental to the"  
 "Public Service."

35. Being in complete ignorance to what such  
 a Charge could possibly refer, I requested to be  
 informed, and within two hours after I was  
 made acquainted with the grounds, I submitted  
 explanations and regretted I had not been sooner  
 made acquainted with the impressions were  
 which existed to my prejudice.

36. In his Letter to me of the 31<sup>st</sup> of January,  
 Sir John Franklin endeavours to show (in the  
 last-paragraph of it) that his Memorandum  
 of the 25<sup>th</sup> of January suspending me from  
 Office was not the first intimation I had  
 received from him of having been disrespectful.  
 But instead of advancing proof to refute my  
 assertion that it was the first, he states, that  
 "the very foundation and object of his several"  
 "previous Communications to me was (was) to"  
 "give me an opportunity of removing some of those"  
 "impressions to my prejudice which it must have"  
 "been obvious to me existed in his mind. And if"  
 "I have failed to avail myself of those opportunities"  
 "to his satisfaction I cannot justly complain that"  
 "they were not presented to me." I submit to  
 Your Lordship that the Conclusion aimed at

in this statement is fallacious. None of "the several previous communications" referred to disrespected of any kind, and therefore they could not have enabled me to vindicate myself from the charge of disrespect before that charge was made known to me. But further proof is to be found from the dates of the documents themselves of the correctness of my assertion. On the 25<sup>th</sup> of Jan<sup>y</sup> Sir John Franklin informed me that my letter of the 17<sup>th</sup> of January contained the evidence of my disrespect. And as all "the several previous communications" he has referred to, were written before the 17<sup>th</sup> of January they could not have been intended to allude to that which occurred subsequently to the time they were written.

37. Sir John Franklin admitted, however, that my explanations were, upon certain points, alluding to the Correspondence, highly satisfactory to his personal feelings "as a private gentleman" but which expression I submit to Your Lordship's completely subverts his charge of disrespect to his Representative of her Majesty.

38. Although Sir J. Franklin has thus expressed himself satisfied with my explanation respecting my allusion to his Memory, and for which I am obliged to him, yet I feel it to be due to Your Lordship and my own Character to explain the circumstances under which the reference to it.

was made. My feelings were much wounded by his remark in his Memorandum of the 15<sup>th</sup> of January "of the extraordinary want of Memory betrayed by me" and fearing to trust myself in my reply I requested two experienced Officers (D<sup>r</sup> Turnbull the Colonial Treasurer and Mr. Mitchell the Assistant Colonial Secretary) to peruse and revise my letter of the 17<sup>th</sup> of January for the purpose of avoiding disrespect in the language of it, as your Lordship will learn by their letter<sup>x</sup>. This circumstance afforded a most direct evidence of my intention, and at the same time proves that to refer to the defectiveness of Sir J. Franklins Memory was so common an occurrence as to remove from the mind the thought of intending disrespect by doing so. The moment it was known that my letter of the 17<sup>th</sup> of January was deemed disrespectful, on account of the allusions in it to Sir John Franklins Memory, D<sup>r</sup> Turnbull immediately waited upon him, and told him that whatever interpretation he might put on my letter he (D<sup>r</sup> Turnbull) pledged himself that my intention in writing it ~~was~~ had been the very reverse of disrespect, and Your Lordship will perceive by my letter of the 31<sup>st</sup> of January in reply to Sir J. Franklins of the same date acquainting me that he considered the allusion to his Memory, to be disrespectful that - I

<sup>x</sup> See Enclosure No 3 page 51

immediately, within two hours, made every character I could by requesting to withdraw the passage of my letter to which he referred, and offered the most ample apology in my power for having so unintentionally wounded his feelings. 30. The first part of the charge (disrespectful Correspondence) was, however thus abandoned, but it was found to be necessary to strengthen, or I should with more propriety say, - alter that portion of it which related to my conduct, and to which alone, Your Lordship will find, Sir John Franklin adhered for removing me from Office. I think it will be evident to Your Lordship that the disrespectful conduct which was termed "detrimental to the Public Service" could not have been of much importance, even in Sir John Franklin's eyes, or he would not have permitted its continuance for three months without the slightest attempt to correct it.

No. If on the other hand Sir John Franklin had, really, felt my conduct to be so detrimental during the three months, and had carefully considered his sentiments from me and from every other person during that time, he would have laid himself open to the painful suspicion of permitting injury to accrue to the Public Service for the purpose of opposing to my conduct a Charge of three months duration.

Lt. In answer to my request, to know in what  
 the disrespectful conduct consisted, I was informed  
 that "the embarrassment occasioned by the course"  
 "of my conduct during the last three months,"  
 "which had been in accordance with the "  
 "announcement made by me to him at the Commence-  
 "ment of that period, has been detrimental "  
 "to the Public Service". This announcement  
 (as it is termed) alludes to the Conversation  
 to which I have taken the liberty to request  
 your Lordship's particular attention in a former  
 part of this letter. It occurred on the 28<sup>th</sup>  
 of October (the day on which I mentioned  
 Lady Franklin's Name in connexion with  
 Dr. Coates's restoration,) when I requested  
 Sir John Franklin's permission to withhold my  
 opinion upon certain Subjects until he  
 required it, and as he assented and entirely  
 approved of that course and never signified  
 any wish to alter it, I am sure your Lordship  
 will allow that he cannot justly charge me with  
 disrespectful conduct on that account, and if he  
 proposes to suffer what he now terms embarrassment  
 during three months rather than forward the Public  
 Service by withdrawing his approval to the  
 arrangement which, occasioned it, I cannot, I  
 imagine, be held responsible for that embarrassment  
 by having given effect to his own instructions.

42. But My Lord, the embarrassment quoted, could not stand the test of explanation. If I had intimated a course of embarrassment in the performance of my own duties, nothing could have justified Sir John Franklin for continuing me in Office at all, (much less for three months) - his doing so would have been a most serious dereliction of his Public Duty. Your Lordship will perceive from what immediately followed my explanation, that such an inference could not possibly have occurred to Sir John Franklin's mind. He must then however have discovered he had no grounds of his own and the course he afterwards adopted shows that there was, in fact, no stability in his charge.

43. I replied, "that I did not regard the" "announcement as in any way referring to my" "duties as Colonial Secretary, and that had he" "ever signified to me that he regarded it in" "that light, I should at once have deferred" "to his decision and have acted accordingly!" If this had been an inaccurate statement of the announcement Sir J. Franklin must for his own security have <sup>undoubtedly</sup> corrected it, but finding that the Truth pleased him in a dilemma he was silent.

44. My explanation however produced a perfect revolution in the charge against me, -

After taking two days to consider it, and keeping me, in consequence, a day in Office beyond the time appointed for my removal, - in a state of cruel suspense - the particular charge of embarrassment was abandoned, and one of a more general character was substituted for it. - It was then communicated to me that "after a painful struggle of" "three months duration he had arrived at the" "conclusion purely on public grounds, that he could" "not longer administer his Government with me" "as the principal Executive Officer of it - without" "the most serious detriment to the Public Service," and although I immediately informed him I was in ignorance of it, that he had never given me any reason whatever to suppose that he was not perfectly satisfied with the manner in which the Public Business was conducted, that he had suspended me without warning and that I had never been heard in explanation upon the charge, these circumstances were disregarded, and he did not think proper to afford me an opportunity to vindicate myself, nor supply me with any additional information for my explanation to Your Lordship and I am, in consequence, left in absolute ignorance of the nature of the insuperable difficulty to which he refers.

Let. I was confident of ample evidence if heard in defence, or if considered in the Executive Council

as is usual on such occasions, that my conduct, in every branch of my duty, would conclusively testify to the reverse of such a charge. But I was not permitted a hearing.

46. Upon what Public Ground Sir John Franklin intends to vindicate his inability to act with me, I cannot, I do assure Your Lordship, even conjecture, and I think this will not surprise you when you have learned from the accompanying Statement of the duties performed by me during "the three months", how completely his assertion is opposed by facts and contradicted by the remarkable instances of confidence and mutual cooperation which occurred between us in administering his Government during that period.

47. As if however to make his last charge still more incomprehensible to me, and to enable him to occupy more and firmer ground, and procure for himself greater Latitude of action, he informed me "that with the Secretary of State distinct" "instructions on this point" (viz his inability to administer his Government with me) "he" "could not, in any manner, justify himself for" "replicating them in this Case". I concluded he referred to Lord John Russell's Instructions to Governors, dated 16<sup>th</sup> October 1839, which was transmitted for his information, and guidance in 1840 - But I submit, My Lord, that my  
 \* See Enchance No 4 page 59



removal cannot be justified under the terms of that Despatch, excepting upon a substantiated charge of Misconduct, of a measure which has not even been attempted, inasmuch as, it is not even insinuated that it was required to carry out any change of public policy. — Nor is it laid to my charge that I was in any way opposed to the existing policy of Sir John Franklin's Government, nor that he had experienced any impediments from me in carrying out any measure in which his decision was not in accordance with my opinion, and since he has not disclosed to me any grounds whatever for this new charge, I cannot persuade myself, that H. M. Co. t. ever intended to invest any Governor with power to remove a Public Officer, as a punishment for misconduct and leave the sufferer in ignorance of the reasons for that act.

p. 8. I therefore feel perfectly confident that Your Lordship will disregard any reason, Sir John Franklin may have assigned for my removal, of which he has not given me distinct notice, and an opportunity of controverting, and that Your Lordship will not judge me upon his imagination but upon proof, — which is but reasonable, he, having asserted, that he had "received the most conclusive evidence of the truth" of his

Charge.

46. Your Lordship will, I am sure, admit that  
 between Public Officers in the situations of Sir  
 John Franklin and myself, there must have arisen  
 many important public questions upon which we  
 differed in opinion. If he had afforded me the  
 opportunities he knows I could have proved beyond  
 a doubt, from the records in his own, and the  
 Colonial Secretary's Office, from the Minutes  
 of the Executive and Proceedings of the Legislative  
 Councils, — as well as from the living testimony  
 of every Member of his Government, that I  
 had invariably upon such occasions, so soon as  
 his decisions were made known to me, advocated  
 his opinions with an energy and effectiveness  
 which have elicited his warmest commendations;  
 and that in doing so I have incurred so much  
 earnestness as to have exposed myself to the  
 remark of overstepping the necessary official bounds  
 and my own opinions to the imputation of insin-  
 -cerity. To have acted otherwise on the occasion  
 of Dr. Coates's restoration would have been  
 an abandonment of a long and consistent line  
 of public duty, for which there existed no motive  
 whatever, no adequate reason, no assignable, no  
 probable cause. I had no personal feelings to  
 influence me in that Gentleman's case. <sup>There never existed here.</sup> He is  
 only known to me in his official character, and

by his frequent instances of neglect of professional  
 duties which I had brought under Sir J. Franklin's  
 notice, and although my Lord a Superstructure  
 has been raised from that case to effect my  
 suspension from Office. I can assure Your Lordship  
 most solemnly, most sacredly, upon the honor  
 of a Gentleman, that there is no just ground for  
 it - whatever, either in thought, word, or deed  
 on my part, and I am perfectly satisfied that  
 Your Lordship would never have heard of the  
 present, nor of any other charge against me, had I  
 not, in the faithful discharge of my public duties  
 in the Queen's Service, mentioned the name of  
 Lady Franklin, but conscious as I am, of a pure  
 public motive, I would rather suffer under the  
 unjust exercise of his severity than the reproach  
 of my own Conscience. <sup>SD</sup> Sir John Franklin has  
 informed me that he should "bear his willing"  
 "testimony to my talents and fitness for Office"  
 "under any Government but that of U. D. Land."  
 I submit to Your Lordship since good Conduct  
 is an essential element of fitness, that he by admit-  
 ting it for elsewhere, cannot deny it for U. D.  
 Land. Thus again he reveals that private feeling  
 and not misconduct caused my removal from  
 his Government. His act of Suspension and  
 opinion are, evidently, incompatible on public grounds.  
 The act either neutralizes the opinion, or the

opinion, Justifies the Act.

51. He states that in judging my conduct he "had done violence to his personal feelings which" "he had ever conceived towards me by acts, and" "expressions of the most uncompromising friendship" "and Confidence." I am quite willing my Lord, and am happy in the opportunity of acknowledging to have received much attention from him as a private Gentleman, and the warmest Confidence in that, as well as in my Official Capacity, and it is the very recollection of these circumstances which makes me feel more sensibly his sudden, and severe, measure.

52. Of his friendship I never entertained a doubt until after I had mentioned Lady Franklin's name to him in October last, when I ceased to perceive it terminated. Of his Confidence I felt secure until he had actually suspended me from Office. I confess to you candidly, my Lord that his course of secret proceeding towards me during the three months "quite decided me." There is no enmity so dangerous as that which comes under the cloak of Confidence. Against an open hostility it is easy to guard. His appearance of perfect satisfaction with the Public business lulled suspicion. I acted in good faith and with a sincere desire for the Public good, only.

53. I submit My Lord, that in proportion to his friendship and Confidence should have been his forbearance, Candour, warning and even advice, if he felt I was not conducting myself to his Satisfaction.

54. There are times, when the slightest interference may avert a danger, when a kind word spoken in season may do more for prevention than Volumes of Correspondence could do for remedy, and it is upon such occasions that Confidence is tested, and not by estrangement, Suspicion, and Concealment.

55. It is not usual to inflict the most extreme punishment without a caution or warning of any sort for a first fault, nor until milder measures have failed. So John Franklin had never before been dissatisfied with me. If upon this occasion he fancied I had erred he might (respectively of friendship or Confidence) have tried the effect of Admonition, Censure, or Reprimand, without prejudice to the Public Interests. Nor would the conception have been a great one, considering (as I had but recently told him) I had never, either asked, or received the smallest personal favor at his hands in return for the many obligations he has, so frequently, admitted he had received at Mine.

30. If, My Lord, I have acknowledged Sir  
 John Franklin's debt of friendship and confidence,  
 I am justly entitled to claim the same from him.  
 I can assure Your Lordship, with the most perfect  
 truth, that I never felt more interest for any  
 person in my life than I did for him on his  
 first arrival in V. D. Land, and very, very,  
 frequently since, and believing him to be an  
 admirable man, with the desire to act rightly,  
 I determined to spare neither time nor labor  
 to serve him. I saw, but too plainly, that he  
 had undertaken a duty, which was more arduous,  
 more complicated, and far more irksome than  
 he had contemplated, and that there were many  
 peculiar circumstances surrounding him which  
 rendered his position especially critical. He  
 felt the weight and danger to his reputation  
 in all these things. He implored to ease his  
 feelings and his fears. And, in a manner not  
 to be mistaken, threw himself upon me for  
 Counsel and Support. I responded to his call.  
 I wasted all my energies, I devoted every hour of  
 the day, and many of the night to his service  
 and I have the satisfaction of knowing that  
 he has left no proof upon proof that my Endeavors  
 obtained his most unqualified approbation.

31. I have not troubled Your Lordship with  
 Copies of the Official documents necessary to

support my statements in this letter which I presume Sir John Franklin must of necessity transmit with his Despatch, but I have attached a Schedule<sup>\*</sup> of them, and shall be happy to furnish any it contains if required.

58. Nor have I alluded to any subject or Circumstance which is not to be found in the Correspondence which has taken place between Sir John Franklin and myself, in order that Your Lordship's decision may not be delayed by a reference to him for further explanation upon any fresh matter introduced by me.

59. I deem it right to intimate to Your Lordship that local doubts were entertained in the Colony of the Validity of the Appointment of the Gentleman now holding the Office of Colonial Secretary in New Brunswick, in consequence of Sir John Franklin having removed me from a Patent Office without taking the advice of his Executive Council upon it; which doubt, if correctly formed, may occasion inconvenience to the Government and the Public. I was advised, too that my own position would be compromised and my removal be regarded - mostly - as a Voluntary Surrender of my Office if that requirement of the Act of Parliament were not observed, but - feeling that these Considerations were not within my province - I communicated to Sir John Franklin my intention

<sup>\*</sup> See Enclosure No 5 page 85

to waive them, upon receiving his sufficient authority to relinquish my Office to Mr. Boyce.

66. There are many other circumstances to which I might, and ought perhaps to allude, in reference to this Charge against me, but I am unwilling to trouble Your Lordship with any thing further, in the confident expectation that I have said enough for my Vindication, but I hope Your Lordship will do me the honor to peruse the Testimonials I have received at different times during a period of Eighteen Years Service under the Government of W. D. Land, because, I venture to anticipate that my general Character, as therein represented, will suggest to Your Lordship's mind the improbability of my abandoning my former Course, without any notice whatever, to conduct myself in the manner now laid to my charge. I think Your Lordship will be of opinion that higher Testimonials are seldom presented to a Public Officer, and, I may add, that (with one exception) I was unconscious of their preparation until I received them.

67. I can assure Your Lordship that I have faithfully, and to the best of my ability, discharged my public duty under the Government of W. D. Land. I have, with a single view of purchase for the Public Interests which has gained for me these flattering testimonials, devoted my whole time and

\* See Enclome no 6 page 89



Mind to forward the Views of the Great Governor and the prosperity of the Colonists, and His Majesty's Government has marked its approbation of my Public Services, by promoting me from time to time until I became the principal Executive Officer of that Government.

Q2. It is now for Your Lordship to decide whether I deserve to forget such distinctions. — In Your Lordship's hands I leave the Case with the most perfect Confidence. — My Character, my happiness, my fortune, — the prospects, the Welfare, and the Advancement in life of my Children, depend upon Your Lordship's decision, but I trust satisfied that Truth, Innocence and honorable desertment will not be overlooked by Your Lordship when reviewing the Conduct of a Gentleman whose public life of upwards of 28 Years in the Military and Civil Services of his Sovereign, has hitherto been, not only untarnished, but the subject of the highest Commendations from every public functionary under whom he has served.

Q3. Submitting to Your Lordship my humble Apology, and regret for the trouble occasioned you on my Account

I have the honor to be  
 My Lord.

Your Lordship's

Most obedient Servant

(Signed) John Armstrong

(Reference to at page 8)

35

Enclosure No 1

Police District of  
Richmond 25 Aug: 1841.

Sir,

I have the honor to inform you for the Lieutenant Governor's information, that I held an Inquest at the Sea Town on the 20<sup>th</sup> instant on the body of "Richard Higgins," free, when the following verdict was returned viz: "That Richard Higgins had come to his death accidentally by the wheel of a cart passing over his body". The Foreman, Francis Turnbull Esq. added to the verdict that it was the opinion of the Inquest Jury that B: Coverdale's conduct should be inquired into. I therefore enclose for the information of the Government that portion of the evidence which, in my opinion, called forth the consent of the Inquest Jury upon B: Coverdale's conduct.

I have &c &c  
(Signed) Wm. R. North

John Montagu Esq  
Colonial Secretary.

(Referred to at page 134)

37

Enclosure No 2

Sandy Bay Feb 5. 1842.

To John Montagu Esq.

Dear Sir

In answer to your politely expressed desire that I would detail the circumstances connected with the Establishment of the "P. D. L. Chronicle" of which I am the proprietor, so far as regards Yourself, either as Colonial Secretary or as a private individual, and also the particulars of the occasion which brought us together in a travelling excursion to the New Country of Marlborough with reference to the general terms of our acquaintance how unwilling soever I might have been at any other time to enter upon matters of such trifling moment and utterly unworthy any serious comment, yet as you inform me you may require them to repel grave charges I shall waive the objection which I should otherwise have felt to such a course and proceed to discharge it more as a matter of duty than of inclination. In so doing I have only to lament the necessity thus imposed upon me as well upon public opinion as upon private

grounds, because the utmost stretch of fancy could have hardly induced me or any other human being to imagine that such a necessity would ever have arisen from causes so truly contemptible.

You formerly requested me to state whether I had solicited you to obtain assistance from Government House in the preparation of articles previously to the Establishment of the N. D. L. Chronicle, to which I replied, and again reply that the only request I made was the occasional favor of late English newspapers, as in starting a new one I had to trust to accident for the supply of foreign journals. Before this time and when I was editing the "Courier" I received newspapers from Government House and His Excellency did me the favor to communicate to me in his own hand writing an Article relative to the ringing of the bells of the "Endeavour" and "Terror" that the other Ships in harbour might not be misled in regulating their time by dinner signals. This was at a period when I was upon no other <sup>with His Excellency</sup> terms than those of the ordinary respect which every

gentleman yields to the representative of Her Majesty. I attended a ball at Govt House given in honor of the Queens birthday, but for twelve months and more, although I received the customary invitations I never entered Government House. I met His Excellency at private parties nor was the intercourse left reserved between us because I was not regarded in the light of a political adherent, on the contrary his affability was on that account the more conspicuous, and if I may be allowed to express an opinion upon it the more becoming for the same reason. I supported several measures of His Excellency's Government upon conviction and independently of any personal considerations and resisted popular clamour and the more dangerous because the more combined compact of the Camel-Gulping-Tribe of religionists in this community to whom the end always justified the means however openly dishonest or insidiously fallacious those might be. I rejoiced at His Excellency's resolution in respect to the Bothwell Bill and other measures and therefore as far as official intelligence was

concerned, I was always of course glad to receive  
 it, but such was my want of perception, or want  
 of gratitude that in communicating it to the  
 public and therewith supporting His Excellency's  
 government, I imagined I was conferring,  
 rather than receiving an obligation. The same  
 assistance therefore which I never sought but  
 received from Government House before I started  
 the P. D. L. Chronicle, would not I apprehended  
 be withdrawn when I required it the more, but,  
 as I was the more dependent upon it I made  
 so you the request to which I have before  
 adverted. My disposition to support His  
 Excellency's Government was almost confirmed into  
 an obligation by the personal interview which  
 I had with His Excellency long before the P. D. L.  
Chronicle was started in which I explained to  
 him my reasons for calling upon him, and the  
 grounds for my soliciting the Office of Immigration  
 Agent; that having paid attention to the subject  
 and communicated with the Colonists upon their  
 wants and upon the resources of the Colony in  
 respect to Immigration it was thought that I  
 could efficiently discharge the duties of the Office,

but that I should have to resign another of  
 greater Emolument and which I may add without  
 vanity is one of far greater trust - Namely the  
 management of the Tasmanian Insurance Company,  
 and therefore I desired His Excellency not at all to  
 consider me if he had any friend to serve. I  
 reminded His Excellency that I had no personal  
 claims upon him - that I had been strongly  
 opposed to several measures of his Government,  
 which I named; whereupon His Excellency begged  
 of me to dismiss from my mind all idea of his  
 being actuated by any unfriendly feeling towards  
 me on that account; if such, he said, had ever  
 existed it had long since passed away and then  
 desired to mingle with me in the Grief which I had  
 felt and the sentiments I had expressed over the  
 recently closed grave of the Archdeacon. On taking  
 leave of His Excellency I told him that no matter  
 how he bestowed the Office it should never  
 diminish my desire to support His Excellency's  
 Government. I departed from that interview with  
 sentiments which I little thought ~~that~~ circumstances  
 were so soon destined to alter. I have been thus  
 minute however, in order to show that you had

nothing to do in any way whatever with the change which took place. Sir John Franklin himself was the sole cause, I supported his Government and when my brother lost his office through Sir John Franklin's indiscretion and the news had come rather suddenly upon us all - I mentioned to the Chief Police Magistrate that notwithstanding this event was the natural consequence of Sir John Franklin's policy, it should make no change in my existing sentiments either towards himself or his Government.

I started the V. D. L. Chronicle avowedly in the interests of the Government and received support from Government House, from His Excellency direct, and as there have been some remarks about the fact of my having announced that I was especially favoured with despatches, I may as well add that these referred to Emigration and that you obtained His Excellency's permission for me to publish them, although none was required for they appeared contemporaneously in the Gazette. I may add also that shortly after the V. D. L. Chronicle appeared a coolness occurred between us arising out of a little hastiness in



my part and from that time I do not think  
 that I sought the least information from you  
 on any subject connected with the Government,  
 which I supported up to the time of Captain  
 Cheyne's removal from Office. I had heard  
 Sir John Franklin speak in the highest possible  
 terms of this ~~the~~ Gentleman only a short time  
 before, on which account I thought the removal  
 strange and therefore, as Captain Cheyne was a  
 personal friend of my own I looked through  
 the correspondence which had taken place,  
 and not seeing any sufficient grounds for  
 such a step, I publicly defended Captain  
 Cheyne and I did not hesitate freely to censure  
 yourself as the vehicle of the Lieutenant Governor's  
 correspondence. I remembered the conversation  
 which I had <sup>had</sup> with the Lieutenant Governor  
 respecting Captain Cheyne, I also remembered the  
 unpopularity which Captain Cheyne enjoyed by  
 reason of his office and the untimely discharge  
 of his official duties and I thought that he was  
 unworthily abandoned by Sir John Franklin.  
 About the same time I learned from an  
 authentic quarter, but from no public officer

that His Excellency's personal Sentiments towards  
 myself were not such as I had been induced  
 to believe they were from his own personal  
 assurances, and coupling these with the very  
 high opinion which he expressed to myself  
 of Captain Cheyne. I now I felt indignant at  
 the thought of having been deluded and misled  
 therefore be the consequences what they might  
 that I would place the responsibility of public  
 acts where they should properly rest, namely  
 upon the Shoulders of the Chief Authority, and  
 now I may observe that had any intimacy  
 subsisted between us, I think that no loyalty  
 towards Sir John Franklin would have  
 justified you in not apprising me, if not of  
 the full extent of His Excellency's feelings towards  
 me at least of his indifference towards either  
 my censure or my praise so as to prevent  
 me embarking perhaps my fortunes in so  
 ungrateful a cause. I think even now that I  
 have some reason to complain because of your  
 having been early acquainted with His Excellency's  
 Sentiments towards me as appears from the  
 report in every newspaper that the correspondence

between you manifests<sup>it</sup> and this has been diligently repeated in order I suppose, to overwhelm me. I can however afford to pass it over. —

With reference to our accidental meeting in the New Country, I was not aware that you would have accompanied Capt. Forster until I met you at Stamilton. I knew that Capt. Forster was about to lay out probations parties. My coming to Marlborough was to look after a herd of cattle I had in that country: — and to ascertain how they were kept and also to see the country. We met upon mere terms of ordinary acquaintance, nothing more. We were two days travelling <sup>longer</sup> in a rough country and I had but little care for politics, so which no allusion was made during our journey.

In fact I could not with propriety allude to any such topics. My poor horse who had lost his shoes in a dreadfully rough country where no blacksmith was within fifty miles, agitated me more than ever question agitated politician. I had but little inclination for such themes, in

fact I was disgusted with them as I might  
well be —

On my return to Town  
I read an Article in the V.D.L. Chronicle  
written by my brother respecting Sir John  
Franklin's Govt. I owed but little respect  
to His Excellency as will appear from the  
 foregoing statement and having received  
as I conceived, the grossest ill treatment  
from him and regretting and feeling the  
more acutely than any injury to myself  
the fact of the Archdeacons memory having  
been brought up before me, I gave expression  
to the sentiments <sup>with which</sup> I was impressed

With these however  
I feel you have nothing to do. I have  
thus endeavoured to point out under what  
circumstances the V.D.L. Chronicle was  
published first, and I think I have  
sufficiently explained why Articles  
disparaging to Sir John Franklin came  
to be written in that journal. I have  
written this letter hastily and at the  
last moment.

Wishing you every health and happiness  
I remain D<sup>r</sup> Sir

Very truly Yours  
Thomas McDowell.

Copy.

Private.

My dear Winsworth

Here we are ruzzing,  
the fish literally jumping into the frying-  
pan to order. I am only sorry to find  
things are not so quiet at Head Quarters.

Montague has told me of  
your friendly visit and the purport of it,  
and I therefore think it right to tell you,  
though without Montague's knowledge that  
I McDowell having accompanied us from  
Warrenton to Marlborough was the effect  
of pure accident, and that Montague was  
no more aware of it when we left Iron than  
you were yourself. But even if it had not  
been so Montague had been pretty well  
written down in the "Chronicle" about

Capt. Lecky, and I should have written him down ass (as I do all who care about newspapers) had he not totally disregarded Mr. S Macdonnell's writings. Should any man, woman, or child assert that M. is connected with any newspaper writings which are offensive or obnoxious to Sir John Franklin's Government, then I say he, she, or it lies, foully lies, this I tell you as his friend and mine: — M himself will take no pains to notice such a report, and I should think any other person than a friend noticing it to him — no compliment to say the least, the more so, excepting from such a person would be a great impertinence — I think.

We are well and go to bed to night on

25<sup>th</sup>

Yours ever.

15 Jan<sup>y</sup> 1842.

Mr Forster

---

I have been informed that it has been represented to the

Lieutenant Governor that I have been connected with the Messrs. McDowell, in the attacks upon His Excellency which have appeared in the P. D. L. Chronicle, and that the manuscript of an article reflecting upon Sir John Franklin has been discovered, which contains corrections in my hand-writing.

I have not been called upon to state whether the representation so made to His Excellency is true or not, but in order to meet any statement which may possibly be made to the Secretary of State founded upon this representation, with a view to implicate Mr. Montagu, through me, with the newspaper in question, I deem it my duty most solemnly to declare upon my honor that I have never been connected directly, or indirectly, in ever so slight a degree, in any single word which has appeared in the Pan. Deimans Land Chronicle, that I have never seen the manuscript of any article which has appeared in that Newspaper, either before, or after it appeared - and consequently the

Statement that a Manuscript has been  
discovered with corrections in my hand-writing  
is positively untrue.

W F Mitchell

Asst. Secy

6<sup>th</sup> February 1842.



7<sup>th</sup> February 1862

My dear Montagu.

When last I saw you in the Colonial Secretary's Office you requested me to bear testimony, whether before submitting to the Lieut. Governor your letter of the 17<sup>th</sup>. ~~When~~ you did not show it to me with the express intention that I should point out to you any parts of it which might in my opinion be regarded as disrespectful to his Excellency, with a view to their being expunged.

In reply to this appeal which however I wish you had not felt to be necessary, I am bound to admit that you unquestionably did, with that intention show me the letter in question & that I read it very carefully & more than once, - with a reference to your explanation that whilst it was your desire not to omit any point bearing upon the merits of the question to which it related it was equally your wish to avoid every thing that might unnecessarily widen the breach between His Excellency and yourself. —

Amongst others the passage which has since attracted so much notice engaged my attention. It struck me that it betrayed something of assumption, and therefore ought to be cancelled. But this was only my first impression. The question upon which you were desirous of satisfying His Excellency's mind appeared to turn upon the very point of superiority of memory, and therefore the pertinence and necessity of the line of argument adopted by you - its correctness or otherwise was foreign to the point - seemed to me at the time to be an answer to the objection which I had raised.

That you ever for a moment intended to impugn His Excellency's credibility never once suggested itself to my mind. Such an intention, indeed, would have been not more presumptuous and false and indeed inconsistent with the purpose for which you had consulted me, than it would have been an unprovoked indignity to myself.

The same impression is left upon my mind by what I

can

can still remember of a conversation which occurred between us as we were about to separate. I refer to it the more particularly because it enables me to answer your second question, namely, in what spirit do I understand you to have waited upon His Excellency on the 18<sup>th</sup> Ultimo. You observed, after we had read the letter, "what would you think of my waiting upon His Excellency." I replied "I think an interview conducted on your part in a" "feeling, candid, spirit, would be worth ten such letters as that," "with a Gentleman of Sir John Franklin's disposition," you replied "Yes, I quite agree with you, I would ask him what are his grounds" "of dissatisfaction with me generally, I would then go fully into" "every point, I think I could convince him that I am not to blame," "I will think the matter over."

Next day we met accidentally at the little council room just as you were about to be ushered into His Excellency's presence. You did not then refer to the conversation of the previous day but I thought you were about to act upon its spirit

I beg to remain

My dear Montagu

Yours very truly

Adam Turnbull.

P.S. I have thought it to be my duty to submit this letter to His Excellency, and it has just been returned to me by His Excellency's private secretary. —

A. T. 8<sup>th</sup> Febry 1842

I was with Mr. Montagu when he wrote his draft of his letter to Sir John Franklin of the 17<sup>th</sup> January. —

It underwent the most careful revision with the desire, as Mr. Montagu frequently expressed himself at the time, both to Dr. Turnbull who was also present, and myself, of avoiding any objectionable observation, Mr. Montagu adding more than once, after removing sentences which I considered undignified, "depend upon it that the way, on such occasions, is to use soft" "words and hard arguments." Neither Mr. Montagu Dr. Turnbull nor myself ever contemplated the attaining any other object than the supporting of Mr. Montagu's memory in which His Excellency had remarked that Mr. Montagu had so lamentably failed. And I never believed that any other construction could be put upon any passage that letter contains.

W. J. Mitchell

Ass<sup>t</sup> Sec<sup>y</sup>.

14<sup>th</sup> February 1842

I have been officially and intimately associated with Mr. Montagu since January 1833, and no person from the relations positions in which we have been placed during seven of the nine years which have elapsed since that date, can have had so frequent opportunities of testing the retentiveness of his memory, a retentiveness so remarkable that when it has been necessary to get up official subjects and particular papers have been missing, he has been accustomed to give their dates, a description of their appearance, and particular expressions they have contained. When the documents have turned up, Mr. Montagu has invariably proved to be correct.

The retentiveness of his memory has been likewise

shown

shown in an equal degree with regard to conversations, and so well is this known, that it has always been customary here for persons wishing to ascertain distinctly what passed on any occasion in his presence to refer to him and to rely — implicitly upon his statements. —

W. H. Mitchell

Ass't. Sec'y.

14<sup>th</sup> February 1862.

From my official position I have of course had extraordinary opportunities of acquiring a knowledge of the manner in which Sir John Franklin has carried on the public business as Head of the Government, and I have had forced upon my attention until I am convinced that it is his ruling policy — the practice of informing all parties who have waited upon him complaining of his decisions, that he has not had any thing to do with their cases.

So frequent are these instances that I am never now taken by surprise when persons come to me and complain that in the decisions conveyed from our Office the Lieutenant Governor's name is used, whereas they have ascertained from His Excellency himself that he has never had the papers relating to their cases before him.

On such occasions I am compelled to produce His Excellency's own handwriting to convince them that His memory has failed him, and so notorious is the general feeling that his memory cannot be relied upon, that it is a common expression to hear — when Sir John Franklin has made promises, "It is of no use unless you have it"

in

"in writing. He is sure to forget it."

W. F. Mitchell

Asst. Secy.

4<sup>th</sup> February 1862

To

The private Secretary

Harrington Street 29<sup>th</sup> November 1861

Sir,

Having this morning called at the Office of the Colonial Treasurer for the account of my salary and allowances for the last few months, I have been informed by one of the gentlemen employed at that office that half my salary and the whole of my allowances for house rent and globe (the only ones I at present receive) are to be stopped for the time of my absence in Sydney. You will therefore I trust permit me to remind the Lieutenant Governor that at the last interview with which His Excellency honored me, he had the kindness to say that no such stoppage should be made and also that His Excellency did not allow any deduction to be made from either the salary or allowances of the Rev. & James Cotham on account of his absence at Adelaide. His Excellency Sir G. Gipps, I beg leave to add, has considered himself as authorised to grant a similar indulgence to the Catholic Bishop & Vicar General of New South Wales during their present visit to Great Britain. —

I have &c

(s.) John Joseph Perry & Co.

To  
The Secy.

I have no recollection of the Rev. Mr. Perry speaking of the allowances but of the salary at the time he called upon

me

me. By reference to the regulations for the guidance of Governors I find sufficient authority given me to issue the full salary to the Vicar General during his absence but I have none for the allowances, and therefore cannot sanction them

(sd) John Franklin

2<sup>nd</sup> December 1841.

The Rev. J. J. Sherry  
Vicar General.

Colonial Secretary's Office

14<sup>th</sup> December 1841.

Sir,

In reply to your letter of the 29<sup>th</sup> Ultimo addressed to the private Secretary relative to your salary, and allowances of which half the one and the whole of the other has been stopped for the period during which you had been absent from the Colony, and representing that at your last interview with the Lieutenant Governor, His Excellency informed you that no such stoppage should be made. — I am directed to acquaint you that the Lieutenant Governor has no recollection of your speaking of the allowances, but of the salary at the time you called upon him.

By a reference to the Regulations for the guidance of Governors, His Excellency finds sufficient authority to issue to you the full salary during your absence, but none for the issue of the allowances, and therefore he cannot sanction the payment of them to you. —

I have &c

(sd) John Montagu

Mr. Sherry the Roman Catholic Vicar General called upon me immediately after, as he stated, seeing the Lieutenant Governor, and requested me, if in my power to do so, to hasten the abstracts for his pay and allowances. —

I observed with regard to the last that I could not understand how he was entitled to them — when during his

absence he could not at least occupy the house. —

He informed me that Sir John Franklin had promised that nothing should be stopped either from his salary or allowances. I repeated this conversation, immediately after it occurred, to Mr. Montagu.

W. F. Mitchell

27<sup>th</sup> January 1842

My dear Burnett

When speaking to Mr. Power a short time ago respecting the *Perishes Lagoon* he told me that the Lieutenant Governor had altogether forgotten that he had signed the selection returns, and had authorised the issue of the location orders — Will you have the kindness to ask Mr. Power if I am under any mistake with regard to what he so told me.

Yours very truly  
W. F. Mitchell

8<sup>th</sup> February 1842

My dear Mitchell

As the Surveyor General is not in town, I am sorry to say that I cannot put the question to him which you desire; but I can answer it myself which perhaps may do equally well. —

You have made no mistake, for Mr. Power told me immediately after his interview with Sir John Franklin that His Excellency had forgotten that he had signed the selection Return and authorised the issue of the location Orders therein approved.

Survey Office

9<sup>th</sup> February 1842.

Yours very truly  
James L. Burnett

Mr. Dobson and Mr. Mazzetti called upon me on behalf of the Committee for constructing the new Norfolk Bridge and enquired whether any thing could be done to relieve them from the charge which the Contractor had against them, in consequence of their having agreed to supply him with convict labour at a certain rate per diem exclusively of Sundays, whilst the Government could only give them an amount of labour for a stated period, to include Sundays. —

They informed me that they had been to Government House to wait upon the Lieutenant Governor on this business, but that the private Secretary had acquainted them that His Excellency declined to see them as he had not seen the papers relating to the business of their visit, and knew nothing about the matter. —

I observed that they must make a mistake in this respect, and I showed them the documents with the Lieutenant Governor's decision, of which they complained, in his own hand writing.

They both expressed their astonishment, and Mr. Mazzetti added his opinion of the matter in very unmeasured language. — It was on or about the 15.<sup>th</sup> of November last that I had this interview with Mr. Dobson and Mr. Mazzetti.

W. H. Mitchell

Ass. Sec. Secretary.

27<sup>th</sup> January 1842

The foregoing is perfectly correct according to the best of my remembrance. —

John Dobson.



Memorandum

An account of the Duties performed by Mr. Montague  
between the 26<sup>th</sup> of October 1841 and 25<sup>th</sup> Jan<sup>y</sup> 1842.

1<sup>st</sup> The Legislative Council met Nov<sup>r</sup> 1841. — As the Principal  
Executive Officer of the Govt I was, as usual, entrusted  
with the conduct in Council of every Govt Bill and  
Measure (some of them were very important and  
difficult), and carried them all through every stage to  
completion in the manner Sir John Franklin desired,  
for which I received his thanks at the termination of  
the Session. —

2<sup>nd</sup> In the Executive Council it had always been  
Sir John Franklin's practice to refer the Members to  
me for information, and in some cases out of town  
to ask me my opinion and advice first, and if the  
other Members concurred with me, it was recorded as  
the opinion and advice of the Council, but separately,  
if otherwise. As Sir John Franklin followed precisely the  
same course during "the three months I wrote to him  
on the 3<sup>rd</sup> Feb<sup>y</sup>" to request he would accompany his  
Report of my suspension from Office to The Secretary  
"of State with a Copy of the Minutes of the Ex. Council  
for that period, together with all the Reports, Notes  
and Memoranda made by me upon the several subjects  
before they were submitted to that Body, in order that  
"by referring the Sect<sup>y</sup> of State to them, and to my  
"advice in Council, I may be enabled to show the  
"extent of assistance I had rendered Sir John Franklin  
"during that period." — It will be perceived by the  
reply I received <sup>\*</sup> that there was no disposition to  
<sup>\*</sup> See page comply.

comply with my request, but a second letter from me on the 4<sup>th</sup> Feb<sup>y</sup> obtained it.

The list of the subjects considered <sup>in Council</sup> and copy of my Reports &c were furnished me before my departure, and from them I find that 163 Subjects were under consideration. That of them Sir John Franklin followed my advice in 148 (and sometimes he followed my advice even when opposed to that of every other Member - For instance, on the 27<sup>th</sup> Oct-ber last (during the three months) as to the course to be adopted for remitting the Public money from Sumatra) ~~that he~~ acted otherwise in 13, and left two unsettled. I find also I further find that I wrote every full and long report upon 31 of the most important subjects, explanatory notes, and memoranda on 53, and spoke to Sir John Franklin upon 27, <sup>which</sup> rendered written remarks upon them unnecessary. The remainder (40) fully explained themselves without my assistance. By Sir John Franklin's comparison of the previous three months proceedings in Council with those referred to it will not, I think, be found that the number of Subjects was greater during the last three - but it will appear that my Reports, Notes &c. were fuller and more explanatory during that last period, and my advice more detailed. Upon several occasions during "the three months" Sir John Franklin expressed himself in Council, as he had often done before - in terms complimentary to me for the pains I had taken to acquire complete information

information upon every subject brought before that Body, but upon one occasion he was remarkably so. On the 17<sup>th</sup> Nov. the tenders for supplying Hobart Town and Launceston with water were opened in Council, & then adjourned the consideration of the Subject, and requested me to pay particular attention to it, as it involved a very large expenditure of Public Money, and was in many respects a most important measure. - and desired the Clerk of the Council to send me all the Tenders, Plans &c. - to consider. On the 26<sup>th</sup> Nov. the subject was reconsidered in the Council, and I was the first desired to give an opinion and advice upon it. - The perusal of it in the Minutes will, I am sure, prove that it cost me great attention and Study. - The Colonial Treasurer followed me in advising, and began by remarking that after the very able and elaborate opinion and <sup>aid</sup> of the Colonial Secy there remained but little to add. - The other Members were equally complimentary to me upon it, and Sir John Franklin thanked me in Council in a most flattering manner for the great attention I had paid to the Subject. Unfortunately the Clerk of the Council omitted to make a record of his expressions and it does not therefore appear upon the Minutes, but the following Note from that Officer explains it. -

Council Office

31<sup>st</sup> Jan<sup>y</sup> 1842.

My dear Sir,

Agreeably with Your request

I -

I have referred to the Minutes of the <sup>Meeting of the</sup> Executive Council, when the Tenders for the Water works were under consideration, and I find that no record was made of the thanks which the Lieutenant Governor expressed to you for the great attention that you had paid to the subject.

The Minutes have as you are aware been read and confirmed, and it is therefore too late to rectify an omission on my part, which I regret should have occurred. —

Believe me to be

My dear Sir

Yours very truly

H. E. Nairn —

To John Montagu Esq<sup>r</sup>.

If anything were wanting to prove that Sir John Franklin's inability to administer his "Government with me" was an after thought, taken up upon the failure of the Charge of disrespects, this fact affords it, for one month of that period, but as <sup>it</sup> the most conclusive evidence of it should be furnished by Sir John Franklin himself, it will be seen, that on the 10<sup>th</sup> Jan<sup>y</sup>, two months and a half after the "painful Struggle" is stated to have been in existence, I received the accompanying communication from him upon the subject of the Water works, instructing me to accept the two tenders I had recommended, and embodying almost verbatim, my Council opinions as his Instruction to me and concluding with the

or when any difference of opinion existed between heads of Departments, - I invariably submitted them for the Lieut Governor's decision and authority. Sometimes in writing sometimes personally. All minor Departmental arrangements and changes (e.g. S<sup>r</sup> Kilgour's transfer from Rocky Hills to Richmond) were left in my hands but I always reported them to the Lieut Governor for his information. I continued precisely the same system during the three months with the exception of not offering my opinion upon some of the subjects requiring Sir John Franklin's decision, until it was required of me. But I took especial care to submit such documents complete in information, and they were generally returned to me on the same or following day, with an instruction. I caused a Register to be kept of all letters received by me, and of those submitted by me to Sir John Franklin, and from it I found the daily average received amounted to 75 and that 5 of them were submitted to him. I have attached a few of such papers (dated in Dec<sup>r</sup> last) to show that his inability to administer his Govt with me cannot apply to that portion of the public business. - From the accompanying Certificates \* by the Ass<sup>t</sup> Col. Secy. it will be perceived that the documents were submitted to Sir John Franklin so complete as to require no labor from him beyond deciding upon them, and that he never retained any undecided for want of the requisite

requisite information to enable him to form his judgment. That during the three months there have not been any arrears of public business in the Colonial Secretary's Office, nor complaints of delays or impediments from other Departments, or from private individuals, and the Certificate from Mr. Boyes (the acting Colonial Secretary) shows that on the day he took over the Office, "there" "was not a single subject undisposed of, so far as" "the Colonial Secy's Office was concerned". -

The accompanying notes<sup>\*</sup> dated 21<sup>st</sup> Decr. and 20<sup>th</sup> Jan<sup>y</sup> last, show that twice only during the three months did Sir John Franklin retain any papers I sent him beyond his usual time, for further consideration, and the two other notes dated 8<sup>th</sup> May, and 7<sup>th</sup> July will show that his doing so was not a novel occurrence, the same thing having occurred before the three months commenced. In addition to this it will be seen by the Asst. Col. Secy's Certificate<sup>①</sup> that on the 10<sup>th</sup> of Jan<sup>y</sup> Sir John Franklin informed him that he had nothing to do, and was surprised that there were no papers requiring his instructions, and on the 23<sup>rd</sup> Decr. he informed the Colonial Treasurer that he found no inconvenience in not having my opinion to guide him upon certain papers - that he found the business very easy, and expressed his surprise at his former indolence. It is not perhaps unworthy of remark that Sir John Franklin

\* See page 79

① See page 79

was.

was absent from the Seat of his Government from the 10<sup>th</sup> to the 23<sup>rd</sup> Decr, during which time I conducted the whole business of it, and that he had made his arrangements for an absence of two months from the middle of January on an expedition to Macquarie Harbor when the business would have again devolved upon me.

4<sup>th</sup> The management of the public expenditure of his Government was left, as far as possible, in my hands. The first instruction for the expense of a measure of course required his authority, but that having been obtained the application of it to details - which is troublesome and responsible - was intrusted entirely to me, and in order to relieve himself he directed me to affix my name in the corner of all warrants for payment before they were presented to him, and he then signed them upon my responsibility without even reading one word of them. The whole of the Tenders for Supplies and Stores for the Commissariat, Ordnance, and in short all the Departments paid from English Funds were intrusted exclusively to me. Sir John Franklin neither saw or heard of a paper relating to them, and the plan which he adopted in 1838, upon my suggestion, for supplying the Colonial Govt. with Stores, by which I effected an annual saving of £5,000 was continued under my sole direction and management, and no alteration was made in  
(any)

any of these branches of the Service during the three months. Under such arrangements an expenditure of not less than £400,000 a year was made upon Sir John Franklin's Authority under my responsibility to him, and not many hours before he suspended me from Office, he signed warrants for upwards of £15,000 upon my responsibility. - During the "three months," I rendered Sir John Franklin any assistance he required within my power, precisely as before upon any business not properly appertaining to the Office of Col. Secy. Several of his Despatches during that period were <sup>either</sup> written by me, or from notes and information I furnished. -

He consulted me confidentially, and conferred with me as freely as before. - he transmitted me confidential papers for my opinion and assistance, which did not necessarily require communicating to me at all. I was much occupied in preparing Statistical Returns for the Year 1841 when I was suspended. - To these documents I was aware Sir John Franklin attached great importance: I therefore gave them my particular personal attention, and they would have been completed and published with those for 1839, and 1840, long ere this, in the same form as those I have already published from 1824 to 1838



It will be seen by the accompanying notes <sup>\*</sup>  
 (5) and I received very many more of the  
 same kind, that whenever Sir John Franklin  
 received Despatches from the Secretary of  
 State, he sent for me immediately to confer  
 with me upon them. We always read  
 them together, and under my advice and  
 dictation he noted his Instructions upon  
 the Margin of each of them, and then  
 delivered them to me to act upon. He  
 pursued precisely the same course during  
 the three Months, with one exception, when  
 illness confined me to my house, and upon  
 that occasion, he sent the whole of the  
 Despatches, to my private residence for  
 my information. This exception occurred on  
 the 14<sup>th</sup> Jan<sup>y</sup> - eleven days before he suspended  
 me from Office!!

The accompanying notes dated 29<sup>th</sup> Sept<sup>r</sup>  
 1841 and 19<sup>th</sup> Jan<sup>y</sup> 1842 the last, six days before  
 my suspension, conveying to me his desire  
 to provide appointments for Mr. Winsley, and  
 Mr. Buckland, are submitted, in order to prove  
 that in matters of a personal nature there  
 was no difference in his Conduct towards  
 me during the three Months, and previously.

It will be found by reference to Sir John  
 Franklin's Despatch to the Sec<sup>y</sup> of State in  
 July 1841, that he deferred for several Months,  
 until I returned to the Colony, to act upon

\* See page 80    O See page 82    Lord

Lord John Russell's Instructions of 1840 for establishing a new system of penal discipline in V.D. <sup>When the assignment system was abolished</sup> ~~land~~, in order that he might have the benefit of my assistance - to enable him to do so efficiently. As that system, termed "the Probation System", was a national experiment upon a large and expensive scale, it became a matter of vast importance to administer it effectively.

In compliance with Sir John Franklin's request I wrote his Council Minutes, and Despatches on that Subject, and prepared all the Instructions necessary upon it, and he afterwards required me to carry them out by detailed orders to the several Departments of his Government, and thus threw a large portion of his proper duty on me. He wished me also to visit the several Stations chosen for the parties, to see that the Instructions were properly carried out - a duty it will readily be perceived was foreign to the Office of Colonial Secretary, but in that, as in every thing else I made no difficulties and complied with his request although the performance of it entailed expense and inconvenience upon me. On the 1<sup>st</sup> July 1841 the Probation System began and by the 4<sup>th</sup> Feb<sup>y</sup> following the number of Convicts under it amounted to (nearly) 3,000 at 15 different Stations.

The accompanying Statement will show  
how

how mercifully the System worked when compared with the older System pursued towards Convicts under punishment but not subjected to the Probation System - the average of punishment being in the old System one in seven and a half, and in the Probation one in 84 of the men. I mention these facts to show that the Administration was efficient, and the accompanying note\* from the Director of the Probation System points out the importance he attached to my Knowledge and Cooperation.

During the three months no alteration whatever was made respecting that Department, and I visited the Stations as before - those in the vicinity of Robert Town frequently, and those more remote, twice, viz: Southport on the 5<sup>th</sup> of Nov<sup>r</sup> which occupied three days. - Broad Marsh, Victoria Valley, and Marlborough on the 4<sup>th</sup> of Dec<sup>r</sup> which occupied seven days.

These circumstances, together with the undisputed fact that Sir John Franklin never once found fault with the Conduct of the Public business, - that there was no delay - no impediment - no arrears during the three months, but direct evidence of the reverse, point out that nothing had occurred between Sir John Franklin and myself to indicate to my mind that the "painful Struggle" was going on in his, nor

\* See page 83

That.

71  
that he could not administer his Government  
with me without the most serious detriment  
to the public Service. The presumption was  
entirely the other way, and indicates that  
the Charge adhered to for removing me from  
office is not consistent with the facts  
which occurred during the three months

Signed John Montagu  
24<sup>th</sup> Jan<sup>y</sup> 1842.

(Referred to at page 58, 59)

His Excellency

Robert Town

Sir John Franklin R.C.H.

3<sup>rd</sup> February 1842.

Sir

I have the honor to request  
Your Excellency will transmit to The Right  
Honorable The Secretary of State by the next  
opportunity which will convey the  
announcement of my Suspension from  
Office, the whole of the Minutes of the  
Executive Council for the last Quarter of  
the Year 1841, and to the 25<sup>th</sup> January 1842  
together with all the Reports, Notes and  
Memoranda made by me upon the several  
Subjects before Your Excellency submitted  
them to that Body, in order that by  
referring his Lordship to them, and to my  
advice in Council, I may be enabled to  
show the extent of assistance I have rendered.

Yours

Your Excellency's Government during that period.  
 I have also the honor to request  
 Your Excellency will report <sup>to</sup> The Secretary of State  
 that I received your Summons to attend  
 the Executive Council at 2 O'clock of the 24<sup>th</sup>  
 January and that I received your Memorandum  
 to suspend me from my Office on the following  
 Morning, in order that his Lordship may  
 be made aware that your Excellency availed  
 yourself of my assistance until within a  
 few hours of my suspension; Although that  
 suspension had been previously decided  
 upon!!

I beg your Excellency will not fail  
 to call the Secretary of States attention to  
 the fact that, notwithstanding you had  
 on the 24<sup>th</sup> January determined to suspend  
 me from my Office, you kept me in  
 perfect ignorance of such determination  
 till the following day, but that you  
 nevertheless availed yourself of my advice  
 and assistance. First upon the Question  
 of the Life or Death of a Man. Second -  
 Upon a measure of seriously responsible  
 Colonial Policy respecting the forcible  
 detention as Captives of several unoffending  
 Aboriginal Natives, and in order yet  
 further to shew The Secretary of State that  
 I afforded your Excellency all the assistance  
 in my power up to the last moment, I  
 beg

beg you will forward the papers upon the  
Subject of the Reverent Mr. Russell's  
Application for Leave of Absence in which  
case I reminded your Excellency that you  
had inadvertently acceded to that application  
without the Advice of the Executive Council.

I have the honor to be  
Sir

Your Excellency's  
most Obedient Servant  
(Signed) John Montagu

John Montagu Esq<sup>r</sup>

Government House

3<sup>rd</sup> Feb 1842.

Sir

I am directed by the Lieutenant  
Governor to acknowledge the receipt of  
your letter of this days date and in reply  
to inform you that your request, with, as  
far as the public service will admit, be  
complied with.

The minutes of the Executive Council  
for the last six months of the year 1841 will  
in all probability follow the announcement  
of your suspension very speedily. -

I am further directed to state that  
His Excellency will report to the Secretary  
of State every circumstance that appears

to

to His Excellency to bear upon the case — and His Excellency will not fail to call the Secretary of State's attention to every fact that may be necessary to obtain for you at his Lordship's hands the most ample justice —

I have the Honor to be  
Sir

Your Obedt. Hble. Servt  
F. Hartwell Henslow  
Private Secy.

His Excellency  
Sir John Franklin  
Sir,

Newlands  
4<sup>th</sup> Feb 4/1842

I have the honor to acknowledge Your Excellency's answer to my application of yesterday morning conveyed to me by your Private Secretary. —

From the tenor of this reply I am led to fear that the documents which I requested, in my letter to Yr. E. of the 3<sup>d</sup> Inst. might accompany the report to the Secretary of State of my removal from Office by Yr. E., will not be forwarded with it —

Under this apprehension I am induced again to trouble Yr. E. to point out that, unless the whole of the documents I have required accompany Yr. E.'s despatch respecting  
me

my removal from Office, I shall submit to the Secretary of State, that Y<sup>r</sup> E<sup>c</sup> has not furnished His Lordship with the documents necessary to enable him to form a correct judgment, and that you have not provided me with the means, which justice demands I should have, for the purpose of making my defence.

I have &c

N<sup>o</sup> 1 John Montagu.

John Montagu Esq<sup>r</sup> Government House  
7<sup>th</sup> February 1842.

Sir

I am directed by the Lieutenant Governor to acknowledge the receipt of your communication of the 4<sup>th</sup> instant in which you point out to His Excellency that—"unless the whole of the documents you have" "required accompany His Excellency's Despatch" "respecting your removal from Office you will" "submit to the Secretary of State that He is" "Excellency has not furnished His Lordship with" "the documents necessary to enable him to form" "a correct judgment, and that His Excellency" "has not provided you with the means which" "justice demands you should have for the" "purpose of making your defence". His Excellency had already given the necessary directions

I have the honor to be Sir Y<sup>r</sup> most Obedt Serv<sup>t</sup>

J. Harknall Howlowe Pri<sup>se</sup> Secy

\* His



\* This is a mistake - The necessary directions were not sent to the Colonial Secretary's Office till two hours after my letter of the 4<sup>th</sup> had been delivered to Sir John Franklin -

Solm Montagu

( Referred to at page 54 )

After the Lieutenant Governor had determined upon the line of conduct he should adopt in the Board's case, and Mr. Montagu had announced to him the course with regard to Public business which it would, in consequence, be necessary <sup>for him</sup> to pursue, Mr. Montagu informed me that he should take the greatest care so to conduct himself as Colonial Secretary, as to show that his private feelings did not influence him in the discharge of his public duties - Accordingly Mr. Montagu's practice during the last three months has been to wait upon His Excellency more frequently than before - to offer His Services in connexion with any Subjects then before His Excellency - but upon which, before being submitted, the fullest information had been obtained, and accompanied these papers - so that no labour was required from His Excellency beyond deciding upon them -

In proof of this I affirm that no papers were submitted, until they were complete - and in evidence of my declaration on this head I may add that His Excellency has never had

occasion to return any subject undecided upon, because he had not before him the requisite information to enable him to form his judgment -

W. F. Mitchell

4<sup>th</sup> February 1842.. Asst Secy Secretary

I positively declare that, during the last three months, there have not been any arrears of Public business in the Colonial Secretary's Office. Neither has there been any complaints of the Service having been impeded from other Departments, or from private individuals -

The only delays which have occurred, during that period, relate to the Water Works, and the Bridges at Ristdown and Bridgwater and with which the Colonial Secretary's Office had no connexion -

W. F. Mitchell..

4<sup>th</sup> Feb 1842. Asst Secy Secretary

I hereby certify that the Public business of this Office was not in arrear on the 31<sup>st</sup> ultimo, and that Mr Montagu was prepared to hand over the Department to Mr Boyes on the 1<sup>st</sup> instant - when there was not a single subject undisposed of so  
far

far as this Office was concerned. —

The Department was handed over to Mr. Boyes on the 2<sup>nd</sup> instant. — and his attention was not required to papers which had been received earlier than the preceding day —

W. F. Mitchell

Apt. Secy.

7<sup>th</sup> Feb 1842.

I believe the above Certificate to be quite correct. —

G. D. Mr. Boyes. —

Mr. Montagu has made it an invariable practice ever since his return from England in March 1841. to report to me what has passed between the Lieutenant Governor and himself, immediately after his interviews with his Excellency —

Since the misunderstanding with His Excellency in October last, I have never heard that Sir John Franklin had expressed his dissatisfaction, upon any occasion until Mr. Montagu's interview with him on the 18<sup>th</sup> ultimo. —

Mr. Montagu has always informed me that Sir John Franklin was very formal — and instead of offering to shake hands as he had previously done he adopted the practice of pointing to a  
Chair.

Chair - saying, "Pray take a Chair Sir". —

W. F. Mitchell

1<sup>st</sup> Feb<sup>y</sup> 1842.

Asst. Govt. Secretary

(Referred to at page 65)

I waited upon the Lieutenant Governor at Mr. Montagu's request, on Monday the 10<sup>th</sup> of January, and informed His Excellency that that gentleman had met with a serious accident which would probably confine him to his house for some days —

His Excellency asked me if I had any papers. — I said there were a very few which should be sent to Him in the course of the day. —

He expressed His satisfaction, and added, pray send them for I can attend to them. — I have only two before me relating to Convicts. To these he pointed as they lay before him — One was a Petition and the other an Abstract of Indulgences. —

W. F. Mitchell

1<sup>st</sup> February 1842

Asst. Col. Secretary

(Referred to at page 65)

Four notes by Sir John Franklin to Mr. Montagu upon papers not completed by him

I have retained a few papers — which I have not been able to consider fully to day. —

John Franklin 2<sup>nd</sup> Dec. 1841

I

I have kept back three papers for further consideration viz: D<sup>r</sup> Inlays application for a whaling station. - The Surveyor Generals report respecting the Crown Lands at Saunceston. The papers concerning Mr. Robert Clarke

The Col: Secty: John Franklin 20<sup>th</sup> Jan 1842

I keep back the Asst. Commissary Macleans Report - respecting the Contract of Williams - and the papers respecting the Master's Office till I see the Col: Secty. -

I am going into the Country some miles at 1/2 past one to day. -

John Franklin S<sup>t</sup> Aug

I intend seeing Mr. Palmer on the subject of Mr. Erskines letter and therefore have retained it. I have also retained the note respecting the specifications and plans for Govt House as I intend mentioning that subject at the next Meeting of the Ex. Council. -

I have also kept the letter and Memo. respecting Mr. St. Georges' Contract not having yet received the report which Mr. Bayst is to furnish me with

7<sup>th</sup> July 1841. John Franklin

( Referred to at page 68 )

Five notes from Sir John Franklin to Mr. Montague upon the Arrival of Despatches from England. -

Govt Cottage 20<sup>th</sup> Jan'y.

A Mail having arrived from England the Lieutenant Governor wishes to see the Colonial Secretary as soon as possible

A. Macmoeckie

John Montagu Esq. C. Sec. Govt House 11<sup>th</sup> Oct<sup>r</sup> 1841

My dear Sir

The five Schoolmasters who have been sent out to take charge of the Schools under the Board of Education - have waited on me and presented to me a letter from the Secretary of the British and Foreign School Society - with copies of a Correspondence between that Society and the Secretary of State relative to these Masters and Mistresses. I shall be glad to see you respecting the appointments of these persons and also about the Despatches which I have received by the last two arrivals

Believe me Y<sup>rs</sup> Ever faithfully

John Franklin

Capt Montagu C. Sec. Govt House Monday 17<sup>th</sup> Dec<sup>r</sup>

Dear Sir

I received a few Despatches by the "Derwent" and shall be glad to see you respecting them as soon as may be convenient to you this Morning

Yours very faithfully.

John Franklin

My

My dear Sir

I shall be glad to see you for a few minutes to shew you the Despatches, and if without breaking too much into your business you would come at once - it would be more convenient to me

Very truly Yours

John Montagu Esq: John Franklin  
Govt House 13<sup>th</sup> Sept 1841.

My dear Sir

Two or three of the Despatches which I have received by the 'Westmorland' bear upon the Emigration Question, and I think it will be desirable to lay them before the Committee

I shall therefore be glad to see you before the Committee meets

Yours very faithfully

John Montagu Esq: Col. Sec: John Franklin

( Referred to on page 68 )

Two notes from Sir John Franklin to Mr. Montagu respecting providing employment for two Gentlemen.

Govt House 29<sup>th</sup> Sept.

This note will be delivered to you by Mr. Kinsley who brought letters from Capt. Percy Grace Pitt: begging my notice and assistance of him in getting him some situation. I believe also that his name was mentioned to Cap: Foster as a person in whose welfare and that of his

70 his brother some of his friends took an interest.

He has been some time with Mr. Wilkinson the Druggist. but has left him - and now seeks a Situation as a Clerk under the Govt. -

I should be glad for the sake of Capt. Grace and his friends to put him in a Situation that he may be qualified to fill. -

Will you be so kind as to bear him in mind if there be any vacancy.

The Col. Secretary

John Franklin

Govt House 19<sup>th</sup> Jan'y 1842.

Mr. Buckland having requested me some Situation or Clerkship for his Son William - a Youth of 19 years with which request I shall be glad to comply when any Situation offers which he is capable of filling. - I wish his name to be placed on the list of Candidates, and will thank the Col. Secy. to submit his name for Employment when any Situation offers. - I have told Mr. Buckland Senr. that Mr. Forster could perhaps Employ his son in the Probation Department and have recommended his applying to Mr. Forster on his return to Town.

The Col. Secy

John Franklin

( Referred to at page 70 )

Mr. Forster the Director of the Probation System to Mr. Mondragon. -

My



F. D. Sand 8<sup>th</sup> Feb 1842.

My dear Montagu

I cannot allow you to depart for England without thanking you for the ready assistance which you have at all times given me to remove those difficulties which are inseparable from all great changes and which I should have suffered great inconvenience from in establishing the Probation System but for the aid given me by you whenever I required it, — whilst the advice, and explanations which I have from time to time received from you respecting the views entertained by Her Majesty's Govt in reference to the all important question of Transportation and the treatment of Convicts have been of the greatest service in the Establishment of a System of Punishment and reform which bids fair to be of national benefit.

I am sure you will excuse my saying thus much to you. I do so, believe me, under a strong feeling of the advantage I have derived from your kindness.

Yours Very Sincerely  
M Forster

Schedule of Papers in Mr. Montagu's possession but not transmitted to the Hon<sup>ble</sup> the Secretary of State with his letter of this date under the belief that they have been forwarded to His Lordship by Mr. John Cranbourn.

Date

1<sup>st</sup>

23 Aug 1841 Frederick Fort Esq. Coroner to the Colonial Secretary enclosing ~~the~~ the evidence taken before the Inquest-Jury on the body of Richard Higgins with notes thereof by the Lieutenant Governor the Colonial Secretary, and the principal Medical Officer.

24 Sept 1841 Colonial Secy to Frederick Fort Esq.

24 Sept 1841 Doctor Cooredale to the Colonial Secretary

12 Oct 1841 Colonial Secretary to Doctor Cooredale

16 Oct 1841 Doctor Cooredale to the Colonial Secretary

22 Sept 1841 Colonial Secretary to Doctor Cooredale

15 Oct 1841 The Rev. W. J. Wislatic to Private Secretary enclosing a petition for Dr. Cooredale's restoration.

20 Oct 1841 Lieutenant Governor to Colonial Secretary

20 Oct 1841 Colonial Secretary to the Lieut. Governor

21 Oct 1841 Lieutenant Gov. to Colonial Secretary

22 Oct 1841 Colonial Secy to the Rev. J. W. Wislatic

22 Oct 1841 Colonial Secretary to the principal Medical Officer —

## 2

Oct 27. 1841 Doctor Hilgner complaining of being removed from Richmond, and asking for compensation for expenses incurred, with notes thereon by Lieut. Governor and Colonial Secretary.

11 Nov 1841 Lieut. Gov. to Colonial Secretary

12 Nov 1841 Colonial Secy to Lieutenant Governor

13 Nov 1841 Two from Lieut. Gov. to Colonial Secy

17 Nov 1841 Colonial Secretary to Lieut. Governor

18 Nov 1841 Lieutenant Governor to Colonial Secretary

20 Nov 1841 Colonial Secretary to Lieut. Governor

22 Nov 1841 Lieutenant Governor to Colonial Secretary

## 3

31 Dec 1841 Mr. Henslow to Mr. Montagu requesting his permission to contradict a report to his prejudice respecting certain articles of a disrespectful nature in a Newspaper.

2 Jan 1842 Mr. Henslow to Mr. Montagu

15 Jan 1842 Mr. Montagu to Mr. Henslow

23 Jan 1842 Mr. Henslow to Mr. Montagu

25 Jan 1842 Mr. Montagu to Mr. Henslow

4 Feb 1842 Mr. Henslow to Mr. Montagu

6 Jan 1842 Mr. Montagu to Mr. Henslow

6 Jan 1842 Mr. Henslow to Mr. Montagu

## 4

11 Jan 1842 Lieut. Gov. to Colonial Secretary as to asserting the Signify of his Government

- 13 Jan'y 1842 Colonial Secretary to Lieut. Governor  
 15 Jan'y 1842 Lieutenant Gov. to Colonial Secretary as  
 to indifference in the interests of his  
 Government.  
 17 Jan'y 1842 Colonial Secretary to Lieutenant Gov.  
 18 Jan'y 1842 Lieutenant Governor to Colonial Secretary  
 as to conducting Public Business in  
 writing only.  
 25 Jan'y 1842 Lieutenant Governor to Colonial Secretary  
 Suspending him from Office.  
 25 Jan'y 1842 Colonial Secretary to Lieutenant Gov.  
 27 Jan'y 1842 Colonial Secretary to Lieutenant Gov.  
 29 Jan'y 1842 Colonial Secretary to Lieutenant Gov.  
 29 Jan'y 1842 Private Secretary to Colonial Secretary  
 31 Jan'y 1842 Private Secretary to Colonial Secretary  
 31 Jan'y 1842 Private Secretary to Colonial Secretary  
 31 Jan'y 1842 Colonial Secretary to Lieutenant Gov.  
 1 Feb'y 1842 Lieutenant Governor to Colonial Secretary  
 2 Feb'y 1842 Private Secretary to John Montagu Esq.  
 2 Feb'y 1842 John Montagu Esq. to Lieutenant Gov.  
 2 Feb'y 1842 John Montagu Esq. to Lieutenant Gov.  
 3 Feb'y 1842 Private Secretary to John Montagu Esq.

## 5.

- 7 Feb'y 1842. Mr. Montagu to Lieutenant Governor  
 requesting him to transmit to the Sec'y  
 of State copies of all communications  
 made from Government House to the  
 Editor of the Van Diemen's Land Chronicle.

7 July 1842 Private Secretary to John Montagu Esq.  
 9 July 1842 John Montagu Esq. to Lieut. Governor  
 9 July 1842 Private Secretary to John Montagu Esq.  
 9 July 1842 John Montagu Esq. to Lieut. Governor  
 25<sup>th</sup> June 1842.  
 John Montagu

Copy

Postscript

(Transmitted to Lord Stanley in Mr. Montagu's Letter 24<sup>th</sup> June 1842.)

I accompanied Sir George Arthur to V. D. Land in 1823 upon his appointment to that Gov<sup>t</sup> at which time I was a Captain in the Army.

On arrival, I was appointed "Secretary to the Government," an Office in which were combined the duties of Private and Colonial Secretary.

In 1826 the late Earl Bathurst separated the Offices, and appointed a Colonial Secretary from England, upon which occasion I was appointed Clerk of the Legislative and Executive Councils in V. D. Land. In 1829 I proceeded to England on military duty, when Sir George Arthur issued the following Government Order.

Government Order  
Colonial Secretaries Office  
12<sup>th</sup> April 1831

Captain Montagu proceeding to England, Sir Lieutenant Governor has been pleased to appoint Mr. D. Patterson Esq<sup>r</sup> to act as Clerk of the Council under the pleasure of the Secretary of State should be known.

On the occasion of Captain Montagu's departure Sir Excellency cannot avoid expressing that his

Zeal, intelligence, and discretion, in conducting the business of the Council since its first appointment have merited the unqualified approbation of the Lieutenant Governor and insured him the entire Confidence of the Council.

By His Excellency's Command  
(Signed) J. Barnett

In 1830, Sir George Murray was pleased to re-appoint me to the Office of Clerk of the Council, upon condition of my retiring from the Army, and I then returned to V. D. Land for the express purpose of accepting that Office. In 1833 I was directed to take the temporary charge of the Colonial Treasury, in consequence of a sudden and peculiar necessity existing for the appointment of an Officer to it, in whom the Govt. had the most perfect Confidence, and having held the Office for Twelve Months, I was presented on being relieved, with the most-flattering testimonials for the manner I had conducted it, and again resumed the Office of Clerk of the Council. — In 1834, Sir George Arthur appointed me to perform the Office of Colonial Secretary in which I was confirmed by the Earl of Aberdeen, in that Year, in terms the most-Complimentary to my Character as a public Servant, and, — as His Lordship stated on public

grounds only, for in no other way had I the honor of being known to His Lordship. —

In October 1836, when Sir George Arthur relinquished the Govt. of V. D. Land to Sir John Franklin, he recorded the following opinion of me in his confidential report to his Successor.

"From the Colonial Secretary you will derive all that assistance which can be expected from an experienced in Colonial matters of thirteen years' duration, from thorough habits of business and from assiduous application to Office duties, combined with an integrity of Character that can be entirely relied upon."

In several of Sir John Franklin's Despatches to the Colonial Department, he has recorded his opinion of my Official Character in terms of high commendation, in one of which (H. 103. 1<sup>st</sup> B. 1533) upon an application I had submitted through him to Lord Glenelg, he wrote as follows "But I cannot allow the opportunity which now presents itself to pass, without expressing the hope that the most favorable consideration, of which it is susceptible, will be given to Mr. Montagu's application. It is only due to the Col. Secretary that I should record the Zeal, ability, and singleness of purpose with which he devotes himself to promote the interests of my Government, and to carry into effect as soon as they are



"made known to him, my measures for the advance-  
 "ment of the institutions of this Colony, and for  
 "the improvement of Convict-discipline. I feel  
 "very much indebted to Mr. Montagu for his  
 "unwearied Co-operation, and for the very important  
 "assistance which I have received from him in the  
 "discharge of his duties, ever since I assumed the  
 "administration of the Colony, and as his Conduct  
 "has, uniformly, given me entire Satisfaction I  
 "need scarcely add, that I shall be gratified, if  
 "it be in Your Lordship's power to accede to his  
 "application. - Sir John Franklins Despatch (N<sup>o</sup>  
 "138, of 6<sup>th</sup> October 1831.) is tantamount to a re-  
 "petition of the above Sentiments. -

When I visited England in 1839 Sir J. Franklin  
 issued the following Notice in the Government  
 Gazette -

Government House  
 16<sup>th</sup> February 1839

John Montagu Esquire, having departed from  
 this Island on leave of absence, the Lieutenant  
 Governor has been pleased to appoint Matthew  
 Forster Esquire Colonial Secretary.

His Excellency cannot permit the occasion  
 of Mr. Montagu's temporary retirement to pass,  
 without publicly recording the unvaried zeal  
 for the public good which has distinguished the  
 performance of his duties in this Govt. and

obtained for him the Confidence and esteem of all Classes of the Community—

By His Excellency's Command  
(Signed) H. Elliot.

Private Secretary.

Upon the same occasion I received a very Complimentary address from the Colonists of V. D. Land, expressing their anxious desire for my speedy return to the Office of Col. Secy. which they stated, I had "so long conducted with advantage to the Colony, and honor to myself."

On my return to the Colony in March 1841, I received the most marked expression of public approbation, and Confidence in my public and private Character, which has ever yet been paid there to any public functionary. A public dinner, the largest ever yet assembled in V. D. Land was given to me by the most influential and intelligent of the Colonists, collected from every quarter of the Island, and who represented every shade of political Opinion. Upon that occasion Sir John Franklin assisted, and expressed the pleasure it gave him to witness the honor conferred on me, and adorned to the honorable manner in which I had always discharged the duties of my Office. (See, for particulars the V. D. L. Courier of the 2<sup>nd</sup> April 1841.)

As soon as it was known that Sir John Franklin

had suspended me from Office. The following testimonial which commenced with the Commercial Community of Robert Town, was circulated through the Colony, and obtained the signature of every person of respectability, influence or intelligence, and a very large sum was subscribed for a piece of plate! It will be seen by my reply that I deemed it prudent to decline both -

New York  
February 5<sup>th</sup> 1842

Sir

At the request of several Gentlemen who have attached their signature and their subscription to the enclosed, may I request to know from you at what time it will suit your convenience to receive a deputation of the subscribers? The short notice may account for the Memorial not being so extensively circulated, and, consequently, not so numerously signed as we could have desired. Still I may be permitted to express the hope and the belief, that even in the limited interval allowed to us between your leave of office and this day, we have expressed towards you the general feeling of the Colonists on your departure for England.

I have the honor to be, Sir  
Your obedient humble servant  
(Signed) Robert Kerr.

To John Montagu Esq<sup>r</sup>

Hon. Secretary.

Enclosure

3<sup>rd</sup> February 1842.

Sir

I beg to acknowledge the receipt of your letter of this day's date, in which you are so good as to acquaint me that it is proposed to present me with a testimonial and subscription for the purchase of a piece of Plate previously to my leaving the Colony, and that a deputation of the Subscribers would present the same.

In reply to your kind communication, I do not lose a moment to request, that you will convey my warmest thanks and acknowledgements to the Gentlemen who have thus taken so kind a mode of expressing their esteem for me. —

I assure you I deeply feel the motives which have given rise to such an expression of kindness, but the position in which I so unexpectedly find myself, and the consideration that my case should stand upon its merits, unsupported by any extraneous assistance, preclude me from accepting that, which under any other circumstances, would be a lasting source of pride and gratification to me. —

I need scarcely add, that I shall ever feel the strongest interest in the welfare and prosperity of V. D. Land to which object, I have already devoted so much of my life. —

I have the honor to remain Sir

Yours

Your most Obedient Servant  
(Signed) John Montagu

Robert Kerr Esq. &c.  
Hon. Secretary

Testimonial to John Montagu Esq.

We whose names are attached to this address, have heard with deep sorrow, that His Excellency the Lieut. Governor was yesterday pleased to suspend you in the execution of your duties as Sec. Secretary. Into the causes which have led to a measure so deeply affecting the public interests, we feel that it would in us be unbecoming to inquire, or if ascertained to offer, thereupon, a single observation. — We are under no such restraint however, in asserting that the fid. efficiency, honor, and independence which you have so exhibited in the public service cannot be supplied, and in this feeling, learning that you are speedily about to depart from these shores, we request that you will bear with you to England the sum which your delay, of a few days here, has enabled us to collect. — This to be expended in the purchase of a piece of Plate, upon which we are desirous of having engraved this Motto — Magna est vis unitatis.  
Van Diemen Land January 26<sup>th</sup> 1842 —

An address was also presented to me by all the unofficial Members of the Legislative Council. —

Van Diemens Land  
February 1<sup>st</sup> 1842.

Sir

We whose names are attached to this address, having had constant opportunities of witnessing the zeal, ability and honorable deportment, with which you have, invariably, acted in the Legislative Council cannot suffer you to depart from this Colony without expressing the high regard which we entertain for your Public Character and Official Conduct.

You have performed the duties of your high Office with a just and consistent attachment to the rights of the Crown. The untiring industry, for which you have ever exhibited in the Council, and the desire you have, at all times manifested to make every portion of the public expenditure intelligible, demand from us a distinct acknowledgment of your claims to our appreciation.

Thomas Anstey. M.S.C.	Charles. M. Lushlan. M.S.C.
Thomas Archer. M.S.C.	William Ashburner. M.S.C.
Charles Swanton. M.S.C.	Michael Penton. M.S.C.
	John Kerr. M.S.C.

John Montagu Esquire  
 &c &c &c

Robert Fowen  
8 February 1842

Gentlemen,

I beg to acknowledge the receipt of your kind Address which has been presented to me this morning. —

That my public conduct should have secured such a testimonial from those who have had such frequent, and good opportunities of judging of it is, under the circumstances I am so suddenly placed in, most gratifying to my feelings, and I am very glad that the consideration evinced by you, enables me to accept this mark of distinction at your hands. —

I have now lived amongst you, Gentlemen, in official life, with little intermission for eighteen years. — I am conscious that, during that period, I have devoted all my energies to support the honor and dignity of the Crown, and to the best interests of this Country, and it is a proud satisfaction to me to be thus assured by the unofficial Members of the Legislative Council, that although, frequently, differing from you, politically, my motives, and actions are appreciated by you all. —

With every good wish for the health and happiness of yourselves and families and the prosperity of Van Diemens Land —

I have the honor to remain, Gentlemen  
Your most Obedient Servants  
(Signed) John Montague.

To

Thomas Arctey Esq. M.S.C.  
Thomas Arctey Esq. M.S.C.  
Charles Kereston Esq. M.S.C.  
Charles M. Jordan Esq. M.S.C.  
William DeBarnes Esq. M.S.C.  
Michael Gordon Esq. M.S.C.  
John Kerr Esq. M.S.C.

I have obtained from the Honorable Sir John  
Lewis Dodder the Chief Justice of the Supreme  
Court of V. D. Land, a testimonial such as is  
 seldom obtained by any public Officer. — From a  
Man of such high honor, and acute perceptions and  
 whole scrupulously conscientious Character procure  
 for his opinions the very highest Consideration. I  
 feel proud to have received such a document. —

Sir John Dodder has been Eighteen Years the Chief  
 Justice of the Supreme Court of V. D. Dismissed Land,  
 and during that time he has had abundant oppor-  
 tunity of satisfying his mind of my public and  
 private Character. —



Robert Town February 5<sup>th</sup> 1842

My dear Capt. Montague

You know my objection to joining in public addresses to Government-Officers placed in the circumstances in which you are, and if it is true as I have heard, that an address is to be presented to you, I hope you will not impute it to any diminution of the great regard I have always professed, and really felt for you. That I still adhere to the rule which I laid down for myself at a time when I could not have anticipated its application to you. — But since you are pleased to think that the opportunities which I have had during Eighteen Years, of forming a just estimate of your Merits as a Public Officer have been such as would render my testimony satisfactory to your friends, and others in England who may hear of your case, — I cannot refuse to comply with the wish you have expressed, that I should give it in the more private form of a letter which you are at liberty to show whenever, and to whomsoever, you may judge it useful to do so —

Of your management of the business of the Town Adjutant's Office I can say nothing, for it never came under my observation, and I might pass over the period when you were Clerk of the Councils by saying, that you executed that

Office with fidelity to the Government and with regularity and despatch. — The only qualifications the Office requires but it was during that time, if I mistake not, that the Government, and the Colony reaped the benefit of the great services you rendered to them, when you took over the charge of the Treasury upon Mr. Thomas's disaffection and flight, and when you projected, and carried into execution, those reforms in the Administration of the Post Office which proved so eminently useful. —

But it has been, chiefly, since you became Colonial Secretary, that this Community has been enabled to estimate your true Value as a Public Officer, and I am sure even your Enemies will admit your thorough knowledge of every branch of the Public Service, — Your increasing application to business, your quickness of apprehension, your patient attention to the Claims and Representations which the Settlers have had occasion to make to you, or through your Office, — Your punctuality and despatch, — Your zealous advocacy of all works of public utility, and the plain, open, intelligible and effective manner, in which you have brought forward, and conducted, all the measures of the Government in the Legislative Council.

I know that the facility with which the great variety, and large amount of the public business which has passed through your hands has

been transacted, especially since your last return  
 from England, has been the Subject of very gene-  
 ral admiration and while, on the one hand, you  
 have always appeared to me to have maintained  
 a due regard for the honor and the Interest of  
 the Government, you have, on the other hand,  
 won the very great share which you enjoy of  
 the public Esteem, without ever condescending to  
 run after popularity. — But what, according  
 to my observation, was your Chief Value, as a  
 Servant of the Government, consisted not in the  
 ability with which you discharged one, or other,  
 or all of the many duties of your Office, but  
 in your Character, in the very high Opinion,  
 generally, entertained of your Talents, your  
 diligence, your sound judgment, and your  
 honor, and in the general Confidence in you  
 which resulted from that opinion; a confidence  
 which few Colonial public Servants have been  
 fortunate enough to acquire, at least to the  
 same degree. — I have often witnessed its  
 effect in the Legislative Council, and am enabled  
 to say how great a benefit the Government has  
 derived from it, and I know it has had effects  
 equally beneficial out of the Council. Of the  
 latter I could mention two instances which are,  
 probably, unknown both to the Government and  
 you and which have come to my knowledge.

very recently. — But I must close, this I fear too long letter. — One can say much more of a Man, than to his face, and I could say much of you, if I were writing to another, — but I could not say less, even when addressing myself to you. — God bless you, and those who belong to you, and in the confident hope that we may ere long meet again.

I am, My dear Montagu  
Your faithful, and most attached friend  
T. L. Pedder.

From all parts of Van Diemen's Land I received from Members of Councils, Magistrates, and the most respectable Colonists, the most flattering private testimonials of the esteem and respect they held me in, and many of them also came to Hobart Town from great distances, for the express purpose of taking leave of me, and of expressing their sorrow at my departure, and Condemnation of the treatment I had received.

From the public Officers I received equally strong and unequivocal demonstrations of their feelings and opinions, and I may, without presumption asport from the numerous and strong proofs I received from every class of the Community that I left the Colony honored and regretted by all.

(Signed) John Montagu 24<sup>th</sup> June 1842.

15 Hanover Street

23<sup>rd</sup> June 1842.

My Lord

In reference to the Letter I had the honor to address to your Lordship yesterday I request permission to state that I had prepared the accompanying Document to attach to the Testimonials to which I ventured to solicit your Lordship's attention, but as it occurred to me that it would be more appropriate to submit it in a separate communication I have now the honor to do so, and I am furnish your Lordship with Sir John Franklin's original Letters from which the Extracts are taken, if you should desire to see them and I am in possession of very many Documents which evidenced his uninterrupted confidence in me between the month of March 1841, when I returned to

The Right Honble

Van

Lord Stanley  
y<sup>e</sup>y<sup>e</sup>

Van Diemen's Land, and the time of his  
 suspending me from Office if your Lordship  
 should desire to see them likewise. I avail  
 myself of this opportunity of submitting  
 to your Lordships that I omitted (in the  
 28<sup>th</sup> Paragraph of my Letter of yesterday  
 to inform you that I had, at my interview  
 with Sir John Franklin on the 18<sup>th</sup> of  
 January, stated to him "upon my honor"  
 "that I had no more to do with the first"  
 "or any subsequent objectionable Article in the"  
 "Van Diemen's Land Chronicle than he had."

In the 35<sup>th</sup> Paragraph I stated "If  
 Sir John Franklin fancied I had erred,"  
 "he might have tried the effect of admonition,"  
 "censure or even reprimand, without prejudice"  
 "to the Public Service," and to that I ought  
 to have added "since the imagined error"  
 "was unknown to every one but himself and"  
 "therefore, did not call for a public punishment"  
 "for the sake of example to the other Officers,"  
 "or to remove any feeling from the Public mind"  
 against

against him or his Government "

I have &c

(Signed) John Montagu

The following Extracts from some of the numerous similar communications I have received from Sir John Franklin, from the time of our first acquaintance, will show what his opinion has always been of me

In 1837 - 12<sup>th</sup> February he writes "I send you an Official communication which you will have the goodness to make known to Major Scurieweather, (The Senior Officer of the Forces), if you do not think it contains a more formal notice of the transaction than it may be advisable, or prudent to take. It certainly conveys a kind of reprimand which it would perhaps be better to avoid giving. I beg to leave the matter in your hands, being convinced you will act as is most judicious on the occasion."

20<sup>th</sup> February 1837 - "Many thanks for your  
 Ever

"two hund Notes which were altogether satis-  
 "factory as to the points they touch upon,  
 "and they shew a readiness to meet my "  
 "wishes in the fullest light, as in the case"  
 "of Mr. Bedford, for which I am much"  
 "obliged."

8<sup>th</sup> November 1837 "As was to be "  
 "expected, the "Colonial Times" has given to me"  
 "the knowledge of that private and confidential"  
 "communication, if not the directing it to be"  
 "made. I feel it due to myself, that in some"  
 "proper way, the contradiction of such an"  
 "unfounded inference should be given as soon"  
 "as possible, in some other Paper, to prevent"  
 "its being believed by any persons who have"  
 "not heard the facts of the Case. Will"  
 "you turn the matter in your mind, and"  
 "consider whether it can, with propriety, be"  
 "done in either of the Papers published on"  
 "Friday. It would not perhaps, be going too"  
 "far to publish the Official Letter you"  
 "wrote by my directions to Mr. Mulgrave and

Mr.



"W. Friend."

26<sup>th</sup> February 1838. "The Emigrants are"  
"a cause of uneasiness to me. I long to hear"  
"of their being employed, and the Government"  
"relieved from the enormous expense of their"  
"maintenance. I am sure you will use every"  
"exertion to forward such a desirable end." I  
"fear the Despatch relating to them and the"  
"Bessarab Merchant." cannot be ready to send"  
"by the first Ship; but I trust you will be"  
"good enough to have it all complete by"  
"the next Ship. I have availed myself of"  
"the comparative leisure I have had here"  
"to turn my thoughts to the subject of the"  
"High School or College, and have got Capt"  
"Masonochie to draw up a Despatch, to"  
"embrace the points which I think best"  
"adapted to meet the general wants and"  
"wishes of the Colonists. I have carefully"  
"considered all the points again, since the"  
"outline of the Despatch has been finished,"  
"and approve of them, but on a subject of  
such

"such general interest and importance I am  
 "anxious to submit my ideas to the opinion"  
 "of yourself, and other Gentlemen, in whose"  
 "judgment and knowledge of the wants of"  
 "the Community I can rely, before sending"  
 "the Despatch to the Secretary of State. I"  
 "shall be obliged if you will allow Capt.  
 "Maconochie to show you the Draft of the"  
 "Despatch, and by your giving him your ideas"  
 "on this important subject."

16<sup>th</sup> August 1837. "Capt. Maconochie told  
 "me yesterday, that you were so kind as to"  
 "allow him to converse with you on the subject"  
 "of a Despatch which I had requested him"  
 "to sketch a Draft of. It appears to me"  
 "that some such Document should accompany"  
 "the estimates, independent of the estimate"  
 "Despatch. There is assuredly no one in the"  
 "Colony so fully acquainted as yourself with"  
 "all the points bearing upon the subjects it"  
 "will be necessary to treat upon in this Despatch,"  
 "and I shall feel much obliged by your giving"

me

"me your advice and assistance in this matter"  
 "and I am confident you will perform these"  
 "kind Office with a sincere regard for my"  
 "true interests and those of the Public."

22.<sup>d</sup> November 1838. "The Attorney General"  
 "has again sent in the Lighting and Powering"  
 "Act, very different from the Notice in the"  
 "Gazette, and I do not consider that I "  
 "should be acting fairly to myself and the "  
 "Public, in laying the Bill on the Table "  
 "without explanation. I am anxious to consider"  
 "what is best to be done and shall be glad"  
 "if you will come to me as soon as possible,"  
 "and certainly before the Council meets."

10<sup>th</sup> July 1839. "Since we have heard of"  
 "the changes in the Colonial Department, we"  
 "have the more rejoiced at your being in "  
 "England, knowing that you are the most "  
 "qualified person to furnish full information"  
 "to the Authorities in Downing Street, on all the"  
 "subjects bearing upon the complicated questions"  
 "connected with the Australian Colonies, and"  
 "particularly

"particularly with whatever concerns the interest-  
"and welfare of this Island."

x x x x x x x x

"I have gone to much greater length in"  
"detail, as to Gregory's conduct, than I should"  
"have thought desirable to any one but yourself,"  
"and I know you have received even fuller"  
"accounts from Forster, but I think it important"  
"that you should receive my own statement."  
"I feel confident of your endeavour to counteract"  
"every false impression that may have been"  
"given of the circumstances in England" x x x  
"It is also a real pleasure for me to have"  
"had equally strong testimonies of the general"  
"approbation which Forster has gained as to"  
"the manner in which he executes his official"  
"duties, and nervous his task has been in"  
"succeeding to a situation, which you had"  
"filled with such universal credit"

30<sup>th</sup> September 1839. "Every day's experience"  
"convince me the more, of the benefit I must"  
"derive, as well as the Colony from your being"  
"in England at this time. You are so fully"

+ q. overous?  
Ja

conversant

"conversant with the course of Policy I  
 "have pursued, and with the measures of my  
 "Government, that you can thoroughly explain"  
 "the bearing of each point for the public"  
 "interests. My trust is therefore that the Secretary  
 "of State and other high Authorities, have"  
 "afforded you the opportunity of furnishing"  
 "explanations and offering suggestions on the very"  
 "important subjects which are now perhaps or  
 "must soon be brought under discussion in "  
 "connection with the new constitution for the"  
 "Australian Colonies and the continuance of"  
 "Transportation" x x "You have often said"  
 "before me in the course of Official Duty,"  
 "Letters addressed to you as Colonial Secretary,"  
 "of a far more offensive, irritating character"  
 "than that addressed by Mr. Halket to Mr.  
 "Gregory, and yet you never thought of embarrassing  
 "the Government, in consequence, by any act of  
 "yours or of doing more than drawing my"  
 "attention to them so that they might be"  
 "answered, not in the spirit of the Writer, but

"as the public interests required."

13<sup>th</sup> October 1839. "I have mentioned"  
"to him (Mr. Harrison the Treasury Councilor)"  
"your service in this Colony, and that you are"  
"better qualified than any other person, to"  
"give full information on any subject connected"  
"with the Colony."

22<sup>d</sup> June 1840 "Mr. Pittman mentioned"  
"to me yesterday that you are not to return,"  
"and that you are to have some Office in"  
"London; he expressed a very sincere regret"  
"that we were not to have you again in the"  
"Colony, though he agreed with me in the"  
"remark, that you will still be of very great"  
"help to it at home. I hope you will not"  
"think me either indifferent to your interests, or"  
"inexcusable to the assembly, the zeal and friend-"  
"ship of Exeter, if I venture to say that I"  
"should have been glad to have the benefit"  
"of your assistance, valuable at all times."

3<sup>d</sup> July 1840. "I was anxious to secure"  
"your best efforts in procuring from Lord"  
"John Russell a charter for our intended College,"

"as I felt certain you would forward my views  
 x x x x "I shall be exceedingly happy to"  
 "welcome you back. The Government will certainly  
 "be much strengthened by your return."

(Signed) John Montagu  
 24<sup>th</sup> June 1842.

London 1<sup>st</sup> July 1842

## Memorandum.

a Vessel arrived this day from Van Diemen's Land, and I have learned that it brought a Despatch from Sir John Franklin representing, that when Sir George Arthur relinquished to him the Government of Van Diemen's Land in 1836 he left behind him some public Officers who had united their influence against his Government, which he had found too powerful for him to resist. These Officers he termed the "Arthur League," the chiefs of whom were Mr. Montagu the Colonial Secretary - Mr. Forster the Chief Police Magistrate, and D. Turnbull the Colonial Treasurer, and he has represented that, although he has worked with them as well as he could for the sake of the Public service, he has never been cordial with them, and that latterly their demands upon him were so exorbitant that he found it necessary to suspend Mr. Montagu from Office to break up the party, and thereby enable him to carry out his own Measures. —

Upon receipt of this information I addressed the following Memorandum to the Secretary of State and transmitted to him a copy of the following Extracts of Sir John Franklin's letters to myself to show the inaccuracy of his representations. —

July 1<sup>st</sup> 1842 London

Mr. Montagu respectfully requests the attention of the Secretary of State to the following Despatches and Letters addressed by Sir John Franklin to the Colonial Department.

Sir John Franklin's Despatch dated in February 1839 reporting Mr. Montagu's leave of absence, and his having appointed Mr. Forster to that Office.

Sir



Sir John Franklin's Despatch dated (about) October 1839, reporting Mr. Gregory's conduct, and transmitting a correspondence between them which took place shortly before Mr. Forster's appointment as Colonial Secretary, in which Mr. Gregory complains of that appointment and Sir John Franklin vindicates it. —

Sir John Franklin's Despatch dated (about) June 1840 recommending Mr. Forster for confirmation as Colonial Secretary in case Mr. Montagu did not return to Van Diemen's Land. —

Sir John Franklin's Despatch dated April 1841 reporting his satisfaction at Mr. Montagu's return to Van Diemen's Land and his entire approval of Mr. Forster's conduct while holding the appointment. —

Extracts of letters from Sir John Franklin to Mr. Montagu.

After informing me that he had made a tour of the Colony he writes on the 15<sup>th</sup> April 1839.

"I have every where received increased demonstrations of confidence and support in the measures of my Government, and I can positively say that the personal animosity and party spirit which have been the bane of this Colony are rapidly subsiding. At Lancaster the Gentlemen are determined on putting it aside and I had the pleasure of witnessing the good understanding now existing between parties where very opposite opinions prevailed. It has been further manifested by the meeting of all the influential and respectable proprietors in the town and neighbourhood to petition her Majesty on the subject of the abolition of Transportation. — They feel deeply aggrieved by the misrepresentations which have been made at Home respecting them and have given expression to their feelings in their petition. Capt. Cheyne and Captain Macnechie continue to be very unpopular with all the community and I am quite sure that if I had a situation to offer Capt. Macnechie that placing him in office would at this time be considered as compromising my own character for consistency and efficiency. I told you in my last letter that it was now satisfactorily proved by the statement of Mr. Jones that since Mr. ——— cancelled his acceptance for his contribution towards the support of the 'Tasmanian', that he has not had any thing to do with that paper, but the original offence <sup>against</sup> me remains — that while he was my confidential private secretary and my guest, he contributed to the support of a paper in opposition to the measures of my Government, and whose Editor had used gross personal abuse of me in its columns, without my knowledge and without any express condition as to its future articles."

Forster

"Forster tells me that he has written very fully to you about the"  
 "general state of affairs which you will rejoice to hear are"  
 "going on in the most satisfactory manner. I shall not therefore"  
 "write on these points but will only assure you that Forster is"  
 "considered to be doing his duties very well, by every one, and on"  
 "my Tour I did not hear one single objection to his appointment"

10 July 1839.

"If I had not known that Capt. Forster was careful not to"  
 "miss any opportunity of writing to you and that he kept you"  
 "au fait at whatever is passing, I certainly should <sup>not</sup> have proved so bad"  
 "a correspondent, nor have allowed one vessel to sail without its"  
 "conveying a letter from me."

In consequence of a misunderstanding between Sir John Franklin and Mr. Peter Barrow, Sir John requested me to see his father on the subject and on the 10<sup>th</sup> July 1839 he writes

"I sincerely trust you have been able to explain the whole"  
 "matter to Sir John Barrow for whom I entertain the most sincere"  
 "esteem and regard."

On the same day he writes, "Mr. James the Editor of the"  
 "Tasmanian has gone home" \* \* \* \* \*  
 "I have little doubt of his saying every thing he can against me"  
 "and am perfectly indifferent as to his doing so, because you"  
 "know that there is no person from whom I less deserve it."  
 "If you should meet his Patron Colonel O'Reilly, I am sure of"  
 "your informing him as to the true position of Mr. James, with"  
 "respect to myself and of my wish to serve him" \* \* \* \* \*

"This desertion of three public Officers (upon the Bill to"  
 "prohibit distillation in the Legislative Council) called up Forster"  
 "who in a most animated and excellent speech pointed out"

the

"the errors of their views, and dwell upon the painful situation"  
 "in which he, as the organ of the Government, stood, deserted as"  
 "he had been by three of its officers — His speech met the hearty"  
 "concurrence of every member of the Council excepting of those three"  
 "whom every one of the unofficial members have condemned "  
 "personally to me" \* \* \* \*

"However if the trial (Captain Maconochie's social system)"  
 "is to be tried in Australia let it be at Norfolk Island. Such"  
 "an arrangement will not please Captain Maconochie who"  
 "has set his heart on Tasman's peninsula and I have heard to"  
 "day that he has said to his friend Gilbert Robertson, to whom"  
 "he paid a visit in jail, that if it be not tried in Tasman's "  
 "peninsula he will at once return to England". —

"The alternative is a sufficient reason for me heartily"  
 "to desire that the scheme may not be tried on the Peninsula,"  
 "and I sincerely trust to your giving very sound reasons why"  
 "its trial there would be injudicious." \* \* \* \*

"The estimates go to England by the ship which takes "  
 "this letter and I feel confident you will readily give every"  
 "explanation that may be required regarding them or any"  
 "other point. Your assistance will be especially valuable in"  
 "explaining the compensation to the Distillers, and I am "  
 "sure Foster will make you fully acquainted with all the"  
 "proceedings in Council on this measure — I rely too on "  
 "your making evident to the good people in Downing Street"  
 "the necessity for prohibiting distillation" \* \* \* \*

"I have found a host and a firm friend in Foster,"  
 "who has been unceasing in his kindness towards me. — "  
 "Turnbull has been equally zealous and firm in his friendship"  
 "and aid, and knowing that my line of policy and conduct"  
 "has been straight forward and upright, I have put my trust"  
 "in God and have received support and comfort. — I care not  
 for

"for the machinations of the few designing men who have chosen"  
 "to be inimical to me, being supported by the repeated assurances"  
 "I have received from the Colonists generally, of possessing their"  
 "best wishes and their kindest regard." \* \* \* \*

"I am confident you will write — by the first conveyance"  
 "and give us the information that you know will be most"  
 "interesting. Accept, my dear Capt<sup>r</sup> Montagu, my most sincere"  
 "attention and regards for you." —

12<sup>th</sup> July 1839.

"It did not occur to me to mention before I closed my"  
 "letter last night that this ship will take home the estimate despatch"  
 "as well as a separate despatch, in which I have requested that"  
 "as the Archdeacon declines taking any part in the Legislative"  
 "Council, D. Turnbull may be appointed — The Clerks of the Executive"  
 "Council are members of the Legislative Council in the Colonies,"  
 "and you know the immense benefit the Government would"  
 "derive from having the assistance in this Council of such an"  
 "able and well informed member as D. Turnbull. We are"  
 "weak as to numbers, and the whole burden of the Government"  
 "measures falls at present on Foster."

"I trust you will endeavour to urge this appointment"  
 "by every means in your power."

30<sup>th</sup> Sept. 1839.

"You will have learnt from Foster's letters and my own"  
 "one cause of annoyance has followed the other ever since your"  
 "departure, and you are well acquainted with the secret spring"  
 "of action which has made each more prominent than thy"  
 style="text-align: right;">otherwise

"charwise would have been."

\* \* \* \* \*

"Forster has proved himself an invaluable friend to me, so has"  
"Turnbull, both and indefatigable in their offices"

15<sup>th</sup> October 1839.

"I had intended to have written to you at some length"  
"respecting [ ] subsequent to my last letter, but I have"  
"understood from my warm friend Forster that he has given you"  
"full information on this matter." \* \* \* \* \*

"I trust my dear friend Parry may have undertaken the"  
"task of explaining my sentiments to Sir John Barrow which"  
"were conveyed to him in the letter of introduction which you"  
"took to Parry - and if I could learn that Sir John Barrow has been"  
"prevailed upon to see you at the request of Parry, I am sure that"  
"his mind will be much disabused - He must see that I acted"  
"with the greatest forbearance in sending all the papers to himself -"  
"and not transmitting them to the Secretary of State"

22<sup>nd</sup> June 1840

"You are well aware how much misrepresentation attends"  
"almost every measure of the Government at the instance of parties"  
"who are unfavourable to me or to Forster - And that there are"  
"two or three persons who, entertaining feelings of opposition,"  
"would not fail to make their opinions known to persons of"  
"influence in England" \* \* \* \* \*

"Forster has told you probably, how much the business of"  
"the Survey Office has been embarrassed of late by the inability"  
"of Capt. Boyd to conduct the business of that department \* \*

I have

"I have at length been compelled to request the Secretary of  
 "State to send out from England an efficient Surveyor General  
 "and I shall be greatly obliged if you would point out the kind  
 "of officer required for properly conducting its onerous duties."

\* \* \* \* \*

"I have been much puzzled since Elliott left as to the  
 "private Secretary." \* \*

"I had entertained the idea of asking Mr. Barnard, who  
 "brought letters from you, to act" \* \* "but I hardly think  
 "he will accept the temporary appointment"

\* \* \* \* \*

"I am not so selfish as to desire this help (namely "  
 "my return to the Colony as Colonial Secretary) at the "  
 "sacrifice of your own personal interest. I have every "  
 "confidence in the ability and friendship of Forster, and I "  
 "have written home to recommend his confirmation."

18<sup>th</sup>  
 18 March 1840

"I trust to your seeing the correspondence that has "  
 "passed between us (the complaints of public officers against Sir "  
 "John Franklin) as well as my despatches relating to them, "  
 "and I feel confident that I may rely on your giving any "  
 "further explanation that may be required in addition to what "  
 "I have written."

\* \* \* \* \*

"I know that Forster keeps you 'au fait,' as to what is "  
 "passing - and you will have heard from him that every thing is "  
 "going on well in the Colony - and but for (—) and the noise "  
 "about the House Bill which it seems the fancy of the interested "  
 "party to revive, at this time, all would be quiet."

John Montagu  
 1 July 1840

15 Hanover Street  
7th July 1842.

My Lord.

By a Vessel which arrived this day from Van Diemen's Land, I have received a private Letter acquainting me, that Sir John Franklin, has, by the same opportunity made some representation to your Lordship to my prejudice, upon my conduct as Colonial Secretary, respecting the building of a Tower to St. George's Church at Hobart Town. I am also informed that Sir John Franklin has been making some enquiry into my conduct respecting the location of a piece of Land called, "the Sericite Sagoon" but that he had abandoned that enquiry on finding I could not be implicated in that matter.

As I feel so satisfied of the propriety of my conduct in these as well as in all

The Right Honble  
Lord Stanley.

The

Y. Y. Y.



the public Acts I was engaged in as Colonial Secretary, I beg leave to submit to your Lordship that I am quite ready to afford explanation upon any point on which you may consider it necessary and that I feel confident of relieving myself from any unfavorable impressions as to my conduct.

I have &c

(Signed) John Montagu.

Downing Street

12<sup>th</sup> July 1842

Sir

I am directed by Lord Stanley to acknowledge the receipt of your Letter of the 7<sup>th</sup> instant. I am to acquaint you in reply that his Lordship has already directed that the Despatches of the Lieutenant Governor of Van Diemens Land to which you allude, respecting the building of a Tower to St. George's Church at Hobart Town, should be forwarded.

John Montagu Esquire

10

Y<sup>e</sup>

Y<sup>e</sup>

Y<sup>e</sup>

to you for any observations which you might wish to make upon them.

His Lordship desires me to add that if any delay arises in deciding upon your case you must attribute it to the very voluminous nature of the Correspondence transmitted both by Sir John Franklin and yourself

I have &c

(Signed) G. W. Hope.

Downing Street  
12 July 1842

Sir

I am directed by Lord Stanley to transmit to you for any observations which you may wish to make upon them the inclosed Despatches from the Lieutenant Governor of Van Diemen's Land on the subject of certain alterations commenced at Saint George's Church Hobart Town without his sanction or knowledge.

These Despatches with their Inclosures being in original, it is requested that they may be returned.

I have the honor to be

Sir

Your most Obedient  
Humble Servant  
G. W. Hope

Van Diemen's Land  
Government House  
26 February 1842

To the Right Honorable  
Lord Stanley.

My Lord

The accompanying representations from Captain Cheyne would have been transmitted to your Lordship at an earlier period but for the difficulty I have encountered in tracing some papers connected with Saint George's Church but which I have now the honor to forward to your Lordship — Upon the receipt of Captain Cheyne's letter I called upon the late Colonial Secretary for his Observations upon the Arguments adduced by that Gentleman with which I was accordingly furnished and which I have the honor to transmit for your Lordship's information — With respect to Saint George's Church it becomes my duty to submit to your Lordship the circumstances under which the alterations of this Church were commenced and proceeded with, some of which have only recently and after considerable exertion on my part to discover them come to my knowledge — In February last a Subscription was entered into by the Parishioners of Saint George's for the purpose of erecting a Spire to that Church and the

Subscribers requested that Stone, Timber, and Labour might be granted to them, they undertaking to defray the cost of Cartage, Lime, Lead, and other Materials. To this request I acceded, affixing a Memorandum to that effect to their Memorial. This authority which bears date, as your Lordship will perceive, 24 February 1841 is the only one ever granted by me in connexion with this building — Some time after this the Clergyman of the Parish, the Rev. H. Fay, waited upon me with a plan of the intended Spire and the Subscription List, of the general effect of the former. I expressed my approbation to the latter. I added my name as a Subscriber. This I find was on the 5<sup>th</sup> of March. I heard nothing more of Saint George's Church until the month of July when an account was submitted to the Executive Council for Architectural drawings done by Mr Blackburn — To one item in this account I objected, being £8.0.0 for plans of the alterations of Saint George's Church, because I considered that the Subscribers alone were liable for all such expences. — It has however lately come to my knowledge

that these drawings were not plans of the Spire for which I authorized the granting of Stone, Timber and Labor, but for an entirely new set of alterations which have been commenced without any reference whatever being made to me — As soon as I discovered that proceedings had been taken without ~~my~~ my knowledge and authority, I made every exertion to discover how the departure from my instructions had originated, and I have now the honor to submit such documents as will enable your Lordship to form an accurate opinion upon the subject — I have also given directions that the Buildings shall not in the meantime be proceeded with —

It appears that when it was attempted to commence the Spire, upon removing the first, two, or three, courses of the Tower, upon which it was to have been erected, the Tower, was found to have been constructed in so faulty a manner as to require that the whole should be taken down and rebuilt —

Instead however of doing this, new plans were drawn involving additions and embellishments, of a most expensive description.

These plans were not submitted to me, nor did  
 I become aware of the great alterations which have  
 been commenced until very lately, when I  
 immediately directed the Colonial Secretary,  
 Mr. Montagu, to procure for me the plan, of  
 the original Tower of Saint Georges Church  
 and of the Spire for the erection of which I  
 approved on the 24.<sup>th</sup> of February 1841 —  
 I also requested that I might see the authority  
 upon which Captain Cheyne commenced the  
 erection of the much larger Tower and additional  
 Buildings now in progress, and also, an estimate  
 of the Stone supplied, and of that which remained  
 necessary for the completion of the work —  
 Your Lordship will perceive from Mr. Montagu's  
 reply that the plans required could not be found.  
 — That Gentleman, at the same time states that  
 "he had never seen the Authority upon which"  
 "the erection of the much larger" Tower &c now  
 "in progress was commenced," and "that the plans"  
 "were submitted to and approved by me when"  
 "I subscribed five pounds" —  
 In making this assertion Mr. Montagu is in-

error, as Mr. Fry's own letters, upon one of which it is founded, amply prove —

That Rev<sup>d</sup> Gentleman states in his first letter that "a few days after receiving the last plans for completing Saint-Georges Church" (which your Lordship will observe were designed in June) "he waited upon me with them and with the subscription list. — that I then put down my name for the sum of £5.5.0 to the Church and that of Lady Franklin, for a similar sum to the Bells, and at the same time expressed my approval of the design &c &c" —

Having paid both these sums by a cheque recorded at the Bank, and in my Cheque Book on the 20<sup>th</sup> May, and consequently before the new plans were designed, which was late in June, and having no recollection whatever of an interview with Mr. Fry subsequent to the 25<sup>th</sup> of June. I requested that the subscription List might be shown me — It was accordingly forwarded to me and I found it to bear date the 10<sup>th</sup> February 1841 — It was accompanied by a letter from the Rev<sup>d</sup> Mr. Fry in which he states that



"on consideration a doubt had arisen in his mind respecting the plans submitted to me". The fact is that I never until very lately saw the plans upon which it appears they have been working since July last.

I approved of Stone, Timber and Labor being allowed for a simple Spire, the expense of which would have been for the Government a sum not exceeding \$150. instead of which, I now find that an entirely new plan has been adopted comprising larger and handsome additions to the Church not only in connection with the Tower and Spire but with the whole body of the edifice —

The question therefore arises upon whose authority this additional expense has been incurred. —

Mr. Montagu states that "he naturally conceived" that Captain Cheyne had received instructions from "me direct to proceed with the work according to the" "second set of plans. — I am at a loss to understand how Mr. Montagu could have formed a conclusion so much at variance with my known Customs. Besides, in reference to a work in which Mr. Montagu was known to take so warm an interest, and which I understand he constantly inspected, his residence

being in its immediate neighbourhood, it appears to me unaccountable that no observations should ever have been made by him to me on the subject.

Your Lordship will perceive from Captain Cheyne's letter of the 8<sup>th</sup> instant that that Gentleman states he has received both verbal and written instructions from the Colonial Secretary on the subject of these alterations —

On the other hand, Mr. Montagu in his Memoir of the 24<sup>th</sup> January states that no authority for that purpose was conveyed through him or rather that "he had never seen" the authority upon which Captain Cheyne acted. One of these Gentlemen must evidently be in error and a careful examination will be necessary of the plans and documents connected with this work, to arrive at a satisfactory conclusion as to where this error lies. —

The first document to which I would call Your Lordship's attention is the original letter of the Subscribers dated 24<sup>th</sup> February 1841 requesting me to grant Stone, Timber and Labour for the erection of a Spire. To this is affixed my approval in my own hand writing and bearing the same date.

This is the only application made to me on the subject (and consequently the only approval) respecting the Hon<sup>ble</sup> Secy's letter of the 28 December 1845. The first part of which contains very correctly the circumstances of which a proposal of assistance being tendered for the building of a small pyramidal Shire.

It was however an understood thing that the labor granted was to be that of Men under punishment or on probation, as intimated to the subscribers in the Colonial Secretary's letter of the 26 February 1845.

You Lordships will observe that in the Month of May some correspondence passed between Captain Cregoe and M<sup>r</sup>. Montagu on the subject of the building arising from the former Officers having fallen into some irregularities in the disposal of the convicts under his department. Next follows a correspondence on the subject of payment to M<sup>r</sup>. Blackburn for drawings & plans. Among the numerous items charged is one of £8. for the additions of Saint Georges Church. — Conceiving that the Government had nothing whatever to do with this expense, for which the

Subscribers alone were liable I struck it out of the account and paid no more attention to it.

I now find that had I read Captain Cheynes Letter of the 25<sup>th</sup> July (read in the Executive Council) 7<sup>th</sup> Aug<sup>th</sup>) with more care I should have found sufficient to excite suspicion on the subject of these alterations; but having no suspicion and being satisfied with disallowing the claim I gave no further attention to the subject.

Upon the receipt of Captain Cheynes Memorial I directed the Colonial Secretary to procure answers to the queries submitted by that Gentleman and I have the honor to enclose a copy of Mr. Ford's letter on the subject.

Finding now that it was evident that the alterations in progress could not be such as were in accordance with my permission, I addressed a Memorandum to the Colonial Secretary (18 Jan<sup>y</sup>) requesting full information on the subject of these alterations.

Your Lordship will observe that on the first point Mr. Montagu misunderstood my enquiry. I requested him "to procure for me the plan of the

"original Tower of Saint George's Church — and of"  
 "the Spire for the erection of which I approved on the"  
 "24<sup>th</sup> February 1841" of Stone, Timber, and Labour,"  
 "being granted". Mr. Montague replies that "he had"  
 "endeavoured to obtain the Plans of the original"  
 "Tower and Spire of Saint George's Church for the"  
 "erection of" which I had approved &c. The mistake  
 is of a trifling nature in itself, but it affects the  
 case very materially as your Lordship will perceive  
 that the erection of <sup>the</sup> Tower was never authorized  
 by me. The plans however Mr. Montague informed  
 me were not to be found, and it is only within  
 the last few days I have been enabled to discover  
 them — I have the honor to transmit mine (9)  
 in order that your Lordship may be enabled to  
 form a due estimate of the difference between the  
 work sanctioned by me and that which has  
 been commenced.

No 1. A is the ground plan of the Church as origi-  
 nally designed and built —

No 2. A is the side elevation (west) of the Church  
 as originally built, excepting that the Spire was  
 not added, but the Tower was left as is shown.

in N<sup>o</sup> 3 A the front elevation. N<sup>o</sup> 1 B shows the ground Plan of the addition proposed according to the plans which were not submitted to me.

N<sup>o</sup> 2 B is the side elevation (west) of the same plans. N<sup>o</sup> 3 B is the north end of the same plans. Your Lordship will observe that the new plans marked B are rendered extremely expensive by a handsome Entablature which it appears was designed to conceal the roof. I regret that time has not admitted of my procuring the respective plans on a similar scale. The new plans it will be perceived are drawn according to a smaller scale than the old ones in the proportion of nearly 3 to 4. C is a view of the Spire which I appended.

In answer to my next question. Mr. Montague replies that "he has never seen the authority upon which the erection of the much larger Tower so now in progress was commenced." - I therefore called upon Captain Chyngre to inform me under what authority he had commenced these additions. That Gentleman informs me in reply that "he

"has received both verbal and written instructions from  
 "the Colonial Secretary on the subject of these alterations"  
 "and he has produced two letters, one from the Asis-  
 "tant Colonial Secretary, Mr. Mitchell, and the "  
 "other from Mr. Montagu himself in Corroboration"  
 "of this statement. —

To these, copies of which I have the honor to enclose,  
 are also added some further communications, which  
 followed. In Captain Cheyne's letter of the 5<sup>th</sup> July  
 Your Lordship will perceive that that Gentleman  
 speaks of "the Colonial Secretary's instructions"  
 "which" had been given to him by Mr. Dry. These  
 instructions I have been unable to discover. —

The value of the Stone which would be required  
 for the improvements, I have ascertained would  
 amount to above £2000, calculated at the price  
 paid by individuals at the Quarry, a grant which  
 Your Lordship may well conceive was never  
 contemplated by me to make to the Subscribers.  
 I have thus endeavoured to explain the facts of  
 this Case to your Lordship which appear to be  
 briefly as follows: —

1. Stone, Timber and Labour, were granted by

me for the erection of a small pyramidal Spire.

2. It became necessary to take down the Tower which was to support this Spire, but little additional expense need have been incurred as the old materials would nearly have sufficed for the re-erection of the Tower.

3. The Tower being down, an entirely new plan was designed, which was never Submitted to me, and of which indeed I was in total ignorance until very lately.

4. This plan was adopted without my authority;

5. Captain Cheyne conceives himself to have been fully authorized by Mr. Montagu from whom of course as Colonial Secretary he was to receive his instructions.

Upon a full consideration of all the circumstances attending this case it appears to me that no blame whatever can attach to Captain Cheyne, that Officer having acted upon his instructions which he received from Mr. Montagu who as Colonial Secretary was naturally the proper Channel through which such instructions were to reach him. I regret that I cannot exonerate Mr. Montagu from the charge



of having, without any reference whatever to me, but on the contrary with evident endeavours to keep me in the dark on the subject, originated proceedings involving a large expenditure and one which I never could have authorized, had I been aware of its being in Contemplation.

I have the honor to be

My Lord

Your Lordships most Obedient

Humble Servant

(Signed) John Franklin

In 9

Van Diemen's Land

Government House

1<sup>st</sup>. March 1842.

My Lord

In reference to my Despatch No. 18 of the 26<sup>th</sup> Ultimo in which I endeavoured to explain the Circumstances under which, as I have recently discovered, certain alterations had been Commenced at Saint George's Church without my sanction or knowledge and of a description involving an outlay far exceeding any which I should have considered

myself justified in incurring, I have now the honor to transmit some documents which have come to light since my last Despatch was written and which tend to elucidate the matter.

In my former Despatch I had the honor to inform Your Lordship of the extreme difficulty I had met with in tracing the letters which had passed, or in obtaining any information whatever on the subject.

Mr. Montagu had informed me in his Memo dated 24<sup>th</sup> February "that he had never seen the Authority" upon which Captain Cheyne had undertaken these expensive alterations, nor could any documents be found in the Colonial Sec<sup>y</sup> Office, throwing any light on the subject. After considerable exertion however, I discovered the two notes dated 12<sup>th</sup> and 21<sup>st</sup> June in Mr. Mitchell's and Mr. Montagu's hand writing respectively at the Office of the Director General of Roads. Since then the correspondence which I have now the honor to transmit has passed, and I beg to call your Lordship's attention to the copies of Mr. Montagu's letters to Mr. Grey which only

reached me yesterday.

By a perusal of these papers Your Lordship will perceive that it was about the 14<sup>th</sup> May last that it was decided to take down the Tower of Saint-Georges Church and that on the 25<sup>th</sup> June M<sup>r</sup>. Montagu again wrote to M<sup>r</sup>. Fry forwarding to that Gentleman the plans furnished to him on that day by Capt<sup>l</sup>. Cheyne, he then proceeds to state to M<sup>r</sup>. Fry — "The new plans are more expensive in labour but the Cost to the Subscribers will not be much more than was contemplated before the Tower was taken down"..... "If you approve the plans proposed I will instruct" "Capt<sup>l</sup>. Cheyne to proceed with the work as soon" "as you return the plans to me."

The latter part of this Communication appears to tally with Captain Cheynes letter of the 5<sup>th</sup> July forwarded in my former Despatch, in which he alluded to M<sup>r</sup>. Montagu's "instructions" returned to him by M<sup>r</sup>. Fry, together with the Drawings for the Tower and alterations. These instructions I have never yet been able to find.

After all that I have lately learnt of M<sup>r</sup>. Montagu,

assumption of Authority in this matter, I have felt no surprise at this new discovery, but I confess I was unprepared for the disregard to the public expenditure evinced in the first part of this letter.

The estimate of £269. for the Spire now forwarded by M<sup>r</sup> Fry confirms the statement which I had the honor to make from memory in my last Despatch of the sum which I had been informed would be required at the hands of the Government, for your Lordship will perceive that the Cartage, Lime, Lead &c was to amount to £120. 2. 8 which would have been defrayed by the Subscribers while the Government was to supply Stone, Timber and Labour estimated at £148. 18. 0.

The estimate for the new buildings your Lordship will perceive from M<sup>r</sup> Ford's letter of 18<sup>th</sup> inst. amounted for the Stone alone to £2150.

These documents will I trust fully satisfy Your Lordship that the Spire estimated at this sum and a plan of which was enclosed in my Despatch N<sup>o</sup> 18 marked C was the

Building authorized by me, while the expensive  
Buildings of which I have also forwarded  
plans were commenced without my sanction  
or knowledge —

I have the honor to be my Lord  
Your Lordships most Obedient  
Humble Servant

(Signed) John Franklin

P.S. I have the honor to enclose Copies of  
two letters which show that the Spire which  
I approved (C) was designed prior to the  
15<sup>th</sup> February 1841.

J. F.

Cheltenham

16 July 1842

Sir

I have the honor to acknowledge the  
receipt of your Letter of the 12<sup>th</sup> Instant, trans-  
mitting to me, by Lord Stanleys direction for  
any observations I may wish to make upon  
them, two Despatches from Sir John Franklin  
the Lieut Governor of W. D. Land in the

G. W. Hope Esq  
J. F. J. F. J. F.

subject of certain alterations commenced at Saint  
 Georges Church at Hobart Town without his  
 sanction or knowledge. — And I have to  
 request you will convey to his Lordship my  
 sincere thanks for his kind consideration in  
 directing this reference to be made to me —  
 Before proceeding to observe on Sir J. Franklin's  
 Despatches I must explain, that prior to the  
 year 1834, it had been the invariable practice  
 of the local Government of U. D. Land to  
 contribute from the Public Funds towards the  
 erection of Churches &c; a sum of money equal  
 in amount to the sum raised by the Congrega-  
 tion's subscriptions, and then to erect the  
 buildings under the supervision and direction  
 of its own Officers, at a cost not exceeding the  
 total of the two amounts mentioned. — In 1835  
 the Inhabitants of Saint Georges Parish, Hobart  
 Town (the South Western extremity of the Town)  
 subscribed £1200. to build a Church there,  
 and upon their application the Govt. granted  
 a like amount and entered into contracts through  
 their proper officer for erecting the Building —

In 1837 the subscribers added £250. more upon which the Government increased its Grant to £1450. In 1838 the body of the Church was completed, consecrated and occupied, but the funds were insufficient to complete the Tower in accordance with the original plan. It was in consequence not raised beyond one half of its proper height and the Spire could not, of course, be commenced upon. The subscribers were however promised that whenever they could raise one half of the requisite sum for completing the Tower and Spire, the Government would grant a corresponding amount in Money or Convict Labour. — In February 1839 I quitted U. D. Land and left that Church in the state I have described. — On my return to the Colony in March 1841 I found Sir J. Franklin had on the 24<sup>th</sup> of the previous Month approved, on the application of the subscribers, (through the Church Wardens) of Stone, Timber and Convict Labour being supplied by the Government to complete the Building upon the condition that the subscribers would provide Cartage Lime

and other Materials the expense to each party being nearly equal. In the following May it was discovered by Captain Chigny (the Govt. Architect) that the half of the Tower erected in 1838 was unsafe. Under his advice it was pulled down — He furnished plans for a new one, the Building of which commenced in July under his direction. This brief statement of facts is supported by the documents transmitted in Sir John Franklin's Despatches but he states that the "proceedings (erecting the Tower &c." "upon the new plan) had been taken without" "his knowledge or authority and he regrets" "that he cannot exonerate me from the charge" "of having without any reference whatever to" "him, but on the contrary with evident endeavour" "to keep him in the dark on the subject originated" "proceedings involving a large expenditure and" "one which he never could have authorized had" "he been aware of its being in contemplation", and these representations Sir John Franklin has also endeavoured to substantiate, by the introduction of a variety of incidental circumstances



to all of which I will presently refer. I must however here assure Lord Stanley that there is not in fact even the appearance of a foundation for Sir John Franklins representations against me, and although it distresses me I am compelled in justice to myself to assert, that Sir John Franklins two Despatches on this subject are throughout incorrect as I shall be enabled to prove, by referring, only, to the documents he has transmitted with them. In a letter I had the honor to address to Lord Stanley on the 24<sup>th</sup> ultimo, I explained (In the Enclosure to it - No. 4) that in conducting the public business with Sir J. Franklin I sometimes received his instructions Verbally, sometimes in writing, and in the same enclosure to that letter I transmitted a Certificate from Mr. Mitchell the Assistant Colonial Secretary dated 1<sup>st</sup> of February 1842, which contains the following words "Mr. Montagu" "has made it an invariable practice ever" "since his return from England in March 1841" "to repeat to me what has passed between the"

"Lieut Governor and himself immediately after"  
his interview with His Excellency

Such a practice may seem like unnecessary  
caution, and I must therefore explain, that  
for the first two years of Sir John Franklin's  
Government (from 1837 to 1839) I had been  
in the habit of receiving his instructions in  
the same manner, viz verbally or in writing  
and, altho I had, frequently, found his memory  
failed him when referring to what had transpired  
verbally only, between us, yet I experienced no  
material practical inconvenience from it, from  
being always enabled to correct his erroneous  
impressions by personal communications.  
During my absence from 1839 to 1841 very  
many Public Circumstances had occurred  
to distress and excite Sir John Franklin's  
mind to such an extent, indeed, as to alarm  
his friends. On my Return I perceived from  
the Office Records that Mr Forster, who  
had performed the Office of Colonial Secretary  
during my absence, as well as Mr Mitchell  
the Assistant, Colonial Secretary had both -

pursued the plan of obtaining Sir John Franklin's instructions in writing, and a very few days experience pointed out to me the necessity for continuing in that course, but as he requested me to conduct the Public business precisely as before my departure, I unhesitatingly complied.

As my duties precluded me from undertaking the additional labor of making a written record of every day's verbal Instructions I adopted the practice mentioned by Mr. Mitchell of repeating the conversations to him, and acted upon them, immediately, afterwards. In that manner, under verbal Instructions was the whole business of Saint-George's Town ~~then~~ conducted between the months of May and July 1841, and although Sir John Franklin has, I perceive, totally forgotten every circumstance connected with it, I am not at all surprised at it, since it is but another instance of that species of forgetfulness, which I experienced from him, almost daily, for some time past; and which occurred, not to myself only, but, to many other persons, who saw him on business.

In corroboration of this statement I should request attention to Mr. Mitchell's Certificate dated 4<sup>th</sup> February 1842 transmitted to Lord Stanley in the Enclosure N<sup>o</sup> 3 to my letter already advocated to, wherein he states "so notorious", "is the general feeling that Sir John Franklin's Memory cannot be relied upon that it is a common expression to hear when Sir J. Franklin has made promises, It is of no use unless "You have it in writing he is sure to forget" it". Attached to the same Enclosure are three remarkable Official instances of the accuracy of that statement. Sir John Franklin does not <sup>in his despatches</sup> state at what time he made the discovery that the Tower of Saint Georges Church was proceeding upon the new plan. He describes it as "latterly".— But there is sufficient evidence in the papers he has transmitted to prove that he had plenty of time to have mentioned to me that the work was proceeding "without" "his knowledge or authority." I referred him to the work and the new plans in my Memo. of the 30<sup>th</sup> December and as I remain

ed in Office till the 2<sup>nd</sup> of the following Feb.  
 and in the Colony until the 10<sup>th</sup> of the same month.  
 I could have brought to his recollection. I am  
 quite positive the Conversations we had had  
 respecting the Tower of the Church between  
 May and July if this denial of his Authority  
 we had then occurred, or he might, in my  
 absence, have sought for information from  
 Mr. Mitchell, who being the Off. Secy when  
 his Despatches were written and had been so  
 for two or three Years before, might fairly  
 be presumed to know under what Authority  
 the Official business relating to the Tower  
 had proceeded, at all events Justice to all  
 parties concerned, required. I submit,  
 that a Reference should have been made to me  
 or to him before so serious an Accusation  
 was made against me, and in my absence  
too, to the Secretary of State. For every  
 act done by me in that matter I positively  
 assert I received Sir John Franklins autho-  
 rity obtained in the usual manner and  
 repeated by me to Mr. Mitchell before it was

acted upon and this statement would have been confirmed by Mr. Mitchell if he had been referred to. There are two very prominent circumstances upon this subject to which I observe no allusion whatever is made in Sir John Franklin's Despatches.

The first is that when Capt. Cheyne decided in May 1841. to pull down the half of the Tower erected in 1838, the Church Wardens waited upon me to state that they had received private subscriptions to the amount of nearly £100 with which to meet a Sunday School Room for the Children of Saint George's Parish and which they intended to build near the Church, but that it would be more advantageous, in many respects, to enlarge the Tower so as to admit of a School Room being included in it, and they added that if the Lieut. Govt. would give his sanction to the alteration they would pay for the extra Cartage, Lime &c. To this alteration Sir John Franklin assented and I so informed Captain Cheyne and instructed

him to prepare the new plan of the Tower accordingly. But for this alteration there would not have been any "New plan" at all, - and the Tower would have been re-erected upon the former design. - The other circumstance is this, - when it was discovered that the portion of the Tower erected 1838 was unsafe and must of necessity be taken down, - I was instructed to confer with Captain Cheyne and the Crown Solicitor with a view of causing legal proceedings to be taken, if practicable, against the Contractor, (a. M. Wright) who had built that part of the Tower in 1838 to oblige him to repair his defective work. -

Surveys were held in the usual manner by Capt<sup>l</sup> Cheyne and the Crown Solicitor, but it was discovered that the Contractor could not be proceeded against, - as he had obtained payment for his work in terms of his Contract under a Certificate of Mr. Archer (who was at the time the Government Architect) that the Building had been erected "to his Satisfaction" - In the month of October following, Sir John Franklin suspended Captain Cheyne from Office, when Mr. Archer applied to be re-appointed to it, - and upon my submitting

that application to Sir John Franklin he remarked,  
 that the Government had seen quite enough of  
 M<sup>r</sup>. Archer's mode of doing business, in the Tower  
 of Saint George's Church, to render his employment  
 in that branch quite out of the question. Occurrence  
 to these and many other events would have enabled me,  
 I am quite certain, to have recalled to Sir J. Franklin's  
 recollection, that every step in the business of  
 the Tower had proceeded with his knowledge  
 and authority, and I am only regret that the  
 opportunity was not afforded me, for which,  
 as I have shown, there was abundant time  
 before my departure. I am equally sure that  
 if M<sup>r</sup>. Mitchell had, had, the smallest sus-  
picion that Sir John Franklin contemplated a  
 denial of his Authority, he would instantly have  
 stepped forward and would have stated to Sir  
 John Franklin all I have now mentioned, and  
 would if necessary have called for the testimony  
 of the persons I have named to confirm his statement  
 but M<sup>r</sup>. Mitchell was in perfect ignorance of Sir  
 John Franklin's course. I will now submit my ob-  
 servations upon Sir John Franklin's statement that



"I originated proceedings involving a large expendi-  
 "ture, and one which he never could have autho-  
 "rized had he been aware of its being in Contemplation."  
 In his Despatch Sir John Franklin states — "I  
 "appeared on the 24<sup>th</sup> of February 1841 of Assis-  
 "tance being rendered for the Building of a small  
 "Pyramidal Spire", and again "I offered my Assis-  
 "tance to grant Stone, Timber, and Labour for the  
 "erection of a Spire." — From these statements it  
 would appear that a small Spire only was to  
 have been erected. — But in a former part of the  
 same Despatch Sir John Franklin has stated  
 "some time after this, (namely the 24<sup>th</sup> of Feb.  
 "1841) the Clergyman of the Parish the Rev. Henry  
 "Bry waited upon me with the plan of the intended  
 "Spire, and the subscription list. Of the general  
 "effect of the former I expressed my Approbation &c,  
 and reference is made in the Margin, to the  
 plan then shown which is marked C. An inspec-  
 tion of that plan will point out that Sir John  
 Franklin, is under error in stating that the  
 assistance he had approved was for a Spire only.  
 It will there be seen that the lower half only

(18 feet) of the Tower was erected at that time, and that consequently the upper half had to be built before the Spire could be put up. — The Spire itself was to have been 33 feet in height and the approval embraced both. In his Dispatch of the 1<sup>st</sup> of March Sir John Franklin states that "of the estimate of £269. for the Spire" — "£120.2.8 would have been defrayed by the "subscribers, while the Government was to supply "Stone, Timber & Labour — estimated at £148.18" and then he adds the estimate for the new "buildings."

"Your Lordship will perceive from Mr. Knod's "letter of the 18<sup>th</sup> February amounting for the "Stone alone to £215." — The estimate of £269. for the Spire is quoted by Sir John Franklin from Mr. Phips letter of the 25<sup>th</sup> of February 1842 which contains a copy of that estimate and which it will be seen is dated 20 Feb'y 1841. Before a comparison could properly be made between the two buildings, the expense of the upper half of the Tower upon the old plan ought to have been added to the expense of

the Spire. Since, it is evident, that the expense of  
 that half of the Tower was not included in the  
 estimate for the Spire on the 25<sup>th</sup> Feb.  
 and as that half is equal to one fourth of the  
 Tower upon the new plan, it would have amount-  
 ed, according to the mode Mr. Ford was required  
 to adopt for the calculation in his letter of the  
 18<sup>th</sup> February, to about £500. for the Stone  
 alone; and since I stated in my Memo. of 30<sup>th</sup>  
 December to the Lieutenant Governor that one  
 half only of the Tower upon the old plan had  
 been erected; provision should have been allowed  
 in the Despatch for that portion of the expenditure.  
 But this omission is of little importance compared  
 to the error I shall now expose. It will be seen  
 by Sir John Franklin's Memorandum of the 14<sup>th</sup>  
 of February <sup>1842</sup> that Mr. Ford was called upon for "an  
 estimate of the value of the Stone (43,000 Cubic  
 feet according to his statement) required for the  
 new alterations to Saint George's Church calculated  
 at the price paid for it by individuals;"  
 and to enquire of Mr. Ford whether he has already  
 furnished such an estimate. On the 18<sup>th</sup> February

Mr. Foord reports — "The estimated quantity of"  
 "43,000 cubic feet — stated in my report of the"  
 "13<sup>th</sup> of November 1841. Calculated at the price"  
 "paid by private individuals — amounts to"  
 "£2151," and he adds "I have not hitherto fur-"  
 "nished any estimate of the Value of the Stone"  
 "beyond the expense of quarrying it by Govt."  
 "hands". I must here remark that Mr. Foord's  
 estimate in his letter of the 13<sup>th</sup> of November  
 1841 of 43,000 feet being required for St. George's  
 Church was, evidently, wrong, and which it will  
 be seen by his letter of the 22<sup>nd</sup> of November  
 he corrected by reducing the quantity to 40,000  
 on the 24<sup>th</sup> of Dec<sup>r</sup> 1841 he states the quantity requi-  
 "red to complete the building, say 30,000 feet"  
 "there being 10,000 on the ground partly taken"  
 "from the old Tower that may be converted in"  
 "the works now in progress". On the 21<sup>st</sup> of Jan<sup>y</sup>  
 1842 he reports the exact quantity to be 35,972  
 feet of which 10,472 had at that time been  
 "converted" in the alterations, leaving but 25,500  
 feet to be supplied by the Government. Instead  
 therefore of requiring Mr. Foord, on the 14<sup>th</sup> Feb<sup>y</sup>

1842 to estimate for the largest quantity he had  
 erroneously given in on the 18<sup>th</sup> of November.  
 Sir John Franklin, to be accurate, should have  
 called for an estimate of the quantity actually  
 required to be furnished by the Government,  
 namely 29,500 feet and as all <sup>the</sup> Letters containing  
 Mr. Woods Statements were before him, and have  
 accompanied his Despatches, he appears to  
 have run into an unaccountable error in requi-  
 ring Mr. Good to over estimate the expense of  
 the new building by 13,500 feet of Stone, or  
 £675 in Money. This error would consequently  
 reduce Mr. Woods estimate from £2151 to £1476  
 and from this last sum should be deducted  
 £500. for the upper half of the Old Tower.  
 Thus leaving but £976. as the whole Amount  
 of expenditure for the new building, beyond what  
 Sir John Franklin states, he had approved for  
 the Spire on the 24<sup>th</sup> of Feb<sup>y</sup> 1841. Much as this  
 exposition reduces the "unauthorized expenditure"  
 my next statement will make it still more  
 unimportant. It must be borne in mind that the  
 mode always adopted of valuing Convict Labor,

Stone, Timber &c. by the Government of Van Diemen's Land when contributing either in lieu of Money to contractors or others, or in payment of any kind, was by ascertaining the cost of it to the Public, and this was arrived at by calculating the Cost of the Rations, Clothing &c. supplied to the Convicts employed by the government on the work, or in producing materials. The value in the Market of similar Articles would, of course, be very different from their Value estimated as I have explained. The Market Value would be regulated by the Cost of providing them by free Labour, - And which may, generally, be taken at from four, five, & even six times the Cost of the Labour of the Convicts in the Service of the Govt, and sometimes it is very much more, varying however according to Circumstances. - It will be seen by Mr. Forde's letter of 24 Decr 1841 that when he was called upon to "give the estimate of the Value" of the Stone required for Saint George's Church as prepared by the Clerk of the works, he reported, "about 80,000 feet, the Cost of it to the Government" "calculating the Rations of the Men employed in"

"quarrying it will amount to about £125." Again,  
 when Sir John Franklin in his Memorandum of  
 19<sup>th</sup> of Jan'y. 1842 states "I likewise wish to receive"  
 "an estimate of the value of the Stone already"  
 "supplied and of that which will be required."  
 "to complete the present design (St. Georges Church,  
 M<sup>r</sup> Ponds replied on 21<sup>st</sup> January "The quantity"  
 "of Stone already consumed in the alterations"  
 "of St. Georges Church up to the present time"  
 "amounts to 63,72 feet and calculating the labor"  
 "of quarrying this quantity at 10 feet each Man"  
 "per diem and the Rations at 90. per diem"  
 "will amount to £26. 19. 2 as a further quantity"  
 "of 29,500 feet will be required to complete the"  
 "Building and this will cost the Government in"  
 "quarrying £122. 19. 3. On the 12 of February  
 1842. M<sup>r</sup> Poyes the acting Colonial Secretary in  
 forwarding M<sup>r</sup> Ponds letters last referred to  
 the Lieut. Gov<sup>t</sup> states in his Memorandum "The"  
 "accompanying are the only papers in this Office"  
 "relating to estimates of Stone for St. Georges"  
 "Church. With respect to its Value that has"  
 "been calculated in the manner pursued in all"

"Cases of Public Buildings viz. by ascertaining  
 its Cost to the public as in the case of the  
 new Custom House, Mr. Palmer's Residence &  
 so. I have been thus minute and particular  
 upon this portion of this subject as it is of  
 much importance for arriving at a correct  
 conclusion upon Sir John Franklin's Statement  
 respecting the "Unauthorized expenditure". -  
 From the foregoing it is conclusively proved  
 what the term "Value" meant when applied to  
 materials &c. procured by Convict Labour and  
 also that one uniform course had been pursued  
 in framing estimates under that definition of  
 "Value". On the 14<sup>th</sup> of February 1842 Sir John  
 Franklin required Mr. Hoard to estimate the  
 Value of the Stone (43000 feet) for the new  
 alterations to St. Georges Church "calculated at  
 the price paid for it by individuals" or in their  
 words, "at the Market price when quarried by  
 free labor. This change in the mode of calcula-  
 ting the Value of course occasioned an immense  
 apparent increase in the expense of the Stone to  
 be supplied by the Government; but, it was



deceptive, in as much as the alteration in the Mode of calculating the Value did not arise from any alteration in the Cost to the Government, since no free labor was used and, therefore, nothing had occurred to justify the introduction of this new element in the calculation, and which could only tend to mislead the judgment - until the fallacy it contained was detected and exposed -

Mr. Ford, however, did as he was ordered and on the 18<sup>th</sup> of Feb<sup>y</sup> he reported that the Value of the Stone "calculated at the price paid for" it by individuals amounted to the sum of £3151, whereas the same quantity would have amounted to £180 Only if he had been permitted to calculate the Value in the manner pursued in all cases "of public buildings," viz "by ascertaining its" Cost to the Public, as has been shown in Mr. Boy's Memorandum of 12<sup>th</sup> Feb<sup>y</sup> and Mr. Ford's letter of the 18<sup>th</sup> of the month. Sir J. Franklin's premises having thus been proved erroneous, his deductions, upon the subject of expense must be so likewise, therefore, so far from the sum of £3151. having been contemplated for the new

Buildings £180. only were needed under the usual  
and proper mode of Calculation for 43,000 feet, and  
 £123, for 23,500 the true quantity of Stone  
 required, — without making any deduction for  
 the upper half of the Tower upon the Old  
 Plan which I have shown ought to have been  
 allowed. For the Government to provide but  
 £123. for the new buildings is, certainly, small  
 enough to repair the neglect of one of its own  
 Officers for passing the improper work of the  
 contractor who erected half the Tower in 1838.  
 And it is here worthy of remark that the Church-  
 Warden was compelled, most reluctantly, to  
 consent to have the Old Tower pulled down.  
 by Captain Cheyne, as will be seen by referring  
 to the Rev<sup>d</sup> Mr. Inge's letter of the 28<sup>th</sup> December  
 1841; And they were in consequence forced  
 to provide £400 in addition to the £120 re-  
 quired of them in Feby. 1841 for providing  
 Carriage, Lime &c. &c. Upon this point I beg  
 to draw attention to Mr. Hoade's letter of 27<sup>th</sup>  
 Decr. 1841. I will now leave this part of the  
 subject but, I respectfully request Lord Stanley's

particular attention to the Letters Sir John Franklin directed the Colonial Secretary to address to the principal Superintendent of Convicts and Mr. Hood on the 21<sup>st</sup> of Feb<sup>y</sup>. 1842 in which he has stated that having been "for the first time" "made acquainted with the expense of the" "materials employed in building Saint George's Church, viz. £2151," he directs, "that the further progress of the work at the public expense may be stopped until the subject can be thoroughly investigated." The reason for this act cannot, I submit, be maintained after the grounds for it have been so effectually broken down, and it should be observed that Sir John Franklin has made a material error in stating that he had been made acquainted with the expense, since that implies the expense or cost to the Government; whereas all he had been made acquainted with was the Value of the Materials; founded upon an unfair and an unusual Calculation. Throughout the Despatches and their Enclosures there is not a word to implicate, in any way, the Churchwardens, or Subscribers,

They, at all events, have acted in a straight-forward proper manner and why, therefore, they have been made to suffer by stopping the work for the errors or misconduct of others, does not appear. — Towards them the Govt has been guilty of a breach of faith and a Public Building has been left unfinished, upon which £3000 had been expended: — One half of that sum having been paid from the Public revenues of the Colony. — I must now trouble you with some explanations upon seven points in Sir John Franklin's Despatches which with what I have already written, will substantiate I think my statements that there is not even the appearance of a foundation for his representations against me — and that his Despatches throughout are incorrect.

#### First Point

Much stress is laid by Sir John Franklin upon two expressions in my Memo: of the 25<sup>th</sup> Jan<sup>y</sup>. 1842 Viz that "I have never seen the Authority upon which the erection of the much larger Tower &c now in progress was commenced,"

x x And that I "naturally conceived Captain Cheyne" had received instructions from the "Sicut. Govt" "direct to proceed with that work." — Sir John Franklin's observations upon those passages are intended to prove, that I made erroneous statements, but he fails in the attempt though much laboured. Upon the first point, I must have been correct, since it now appears from his own Despatches that there never was a written authority for it. — I have admitted, throughout, that I gave Capt. Cheyne instructions to draw the new plans, I have admitted I received them from him and forwarded them on the same day to the Churchwardens. — He admits he received them from Mr. Fry, and Mr. Ford proves that he received them from Capt. Cheyne with orders to commence the new buildings. The enclosures to the Despatches establish all these facts, but who gave Capt. Cheyne authority to build the new Tower, upon those plans, I knew not, nor do I yet know. — All I know is, that Capt. Cheyne told me that he had received them back that

they were approved of, but as the expense for Cartage,  
 & lime &c, to be defrayed by the Churchwardens, would  
 be greater than he had imagined when  
 he delivered the plans to me, he wished me to  
 remove all doubt as to the whole of that charge  
 being borne by the Churchwardens before he  
 commenced the work; I told him I would  
 write to the Churchwardens to confer with him,  
 and instructed him not to commence the work  
 until they had quite satisfied him upon that  
 point. I accordingly wrote <sup>to them</sup> to that effect, -  
 and my note, I was informed, was delivered  
 by them to Capt.<sup>m</sup> Cheyne, with a verbal  
 assurance to him, on their part, to provide  
 the necessary funds. - If that note had been  
 produced the mystery Sir John Franklin has  
 endeavoured to attach to Capt.<sup>m</sup> Cheyne's expression,  
 in his letters of the 5<sup>th</sup> of July 1841 & 8<sup>th</sup> July 1842  
 in which he alludes to my "instructions retia-  
 ed to him" (Capt.<sup>m</sup> Cheyne) by M<sup>r</sup> Fry would  
 have vanished; - and the insinuation that  
 I had given "instructions" which he had never  
 "yet been able to find" would have been spared.

Upon the other admission Sir John Franklin states, "I am at a loss to understand how M<sup>r</sup>. Montagu could have formed a Conclusion (Viz) that Capt<sup>n</sup>. Cheyne "had received instructions from him direct, so much at variance with my known Custom". This expression again proves the defectiveness of Sir John Franklin's Memory. I must here explain, that there is a Code of printed Regulations for the guidance of the Road Department, which, amongst other things requires the Director General of Roads, (Captain Cheyne, at the time referred to) to wait upon the Lieutenant Governor upon a fixed day in every week, to report the proceedings of his department, and to receive instructions if necessary. — The Regulation then states, that whenever the Lieutenant Governor gives the Director General Verbal Instructions, he is not to act upon them until he has communicated them, either verbally or in writing, to the Colonial Secretary. — Compliance with this Regulation was a constant observance with Captain Cheyne. Upon one occasion, (in 1855) Captain Cheyne employed a number of Convicts to build a Church at the Green Ponds, and

when he was called upon for his authority, he stated Sir John Franklin had given him a verbal authority. He was then reminded of the regulations for his guidance, and asked why he had not communicated the verbal instructions to the Colonial Secretary. — He was unable to give a satisfactory answer. His conduct was disapproved, and the work was stopped. —

A Copy of the Regulations and the documents I have referred to, will be found in the Colonial Office with Sir John Franklin's Despatch, dated in October last, reporting Captain Cheyne's suspension from office, in which this instance of Captain Cheyne's disregard of his Instructions, is brought under the Secretary of States attention. When Captain Cheyne waited upon me and informed me that the new plans of Saint-George's Church were approved, I naturally conceived he had received instructions from Sir John Franklin direct to proceed with the work and I continue of the same opinion. —

#### Second Point

I think Lord Stanley will be of Opinion that



Sir John Franklin has strained his argument rather too much, in his endeavour to make it appear that Captain Cheyne was warranted for proceeding with the Ticon, under the new plans, upon written instructions he had received to that effect, by two Notes, which are so triumphantly produced against me: One from Mr. Mitchell, dated the 12<sup>th</sup> and one from myself dated the 21<sup>st</sup> of June 1841. I venture to take the liberty of requesting Lord Stanley to peruse those Notes, the first of which calls upon Captain Cheyne "for the plans of the Ticon for Saint George's Church" and the second "I hope you will send me the plan as soon as possible." But the dates will protect me: The latest of the Notes is dated the 21<sup>st</sup> of June, and Sir John Franklin states "on the 25<sup>th</sup> June" "Mr. Montague again writes to Mr. Bay, forwarding to that Gentleman the plans furnished to him on that day by Captain Cheyne." How could my note of the 21<sup>st</sup> of June convey an instruction to employ a plan which was not finished or seen by me until the 25<sup>th</sup> of that month? —

### Third Point.

In his Despatch Sir John Franklin makes the following statements - "I heard nothing more of Saint George's Church until the month of July. When an account was submitted to the Executive Council for Architectural drawings done by Mr. Blackburn. To one item in this account I objected, being £8.8.0 for plans of the alterations of Saint George's Church because I considered that the Subscribers alone were liable for all such expenses." Further on in the same Despatch he adds "Next follows a correspondence on the subject of payment to Mr. Blackburn for drawings and plans - Among the numerous items charged, is one of £8. for the additions to Saint George's Church. Considering that the Government had nothing whatever to do with this expense, for which the Subscribers alone were liable, I struck it out of the account and paid no more attention to it. I now find that had I read Captain Poynes letter of the 24<sup>th</sup> of July (read in the Executive Council on the 7<sup>th</sup> of August) with more care, I should have

"found sufficient to excite suspicion on the subject of these alterations, but having no suspicion and being satisfied with disallowing the claim I gave no further attention to the subject."

The facts upon this point are as follows, as will be seen by reference to the letters from which I shall quote. - On the 4<sup>th</sup> of June 1841 Captain Cheyne requested permission to employ Mr. Blackburn who had become free on the 3<sup>rd</sup> of May, at the rate of £250. or £300. per Annum for Architectural drawings. My note on that letter states "I think it quite monstrous to employ a man who has just emerged from his bondage at that rate", and the Lieutenant Governor being of the same opinion it was not sanctioned. On the 25<sup>th</sup> of June Captain Cheyne sent in an account for Architectural drawings performed by Mr. Blackburn after he became free, and before the refusal to continue his services was made known to Captain Cheyne. On the 3<sup>rd</sup> July he gave a list of the items of that account of which one was "Design for alteration of Saint Georges Church." Upon that letter I made

a long note, calling Sir John Franklin's attention to particular parts of it. On the 10<sup>th</sup> of July, that and the previous letter were considered in the E. Council. On the 20<sup>th</sup> I wrote again to Captain Cheyne on the subject and on the 24<sup>th</sup> of July he replied. To that letter Sir John Franklin directed a very particular reply to be sent upon one part of it, which was accordingly, done on the 30<sup>th</sup> of July. On the 3<sup>rd</sup> of Aug<sup>st</sup> I again submitted Captain Cheyne's letter of the 24<sup>th</sup> of July to Sir John Franklin's attention accompanied by a Memorandum from myself which filled a sheet of Frob's Cap Paper, and to which I solicit attention. On the morning of the 7<sup>th</sup> of August, I received the accompanying note from Sir John Franklin, which relates entirely to the contents of Captain Cheyne's letter of the 24<sup>th</sup> of July and it shows that he must have read that letter with very great attention. Having procured for him the additional letters called for by that note, the whole correspondence I have now referred to, was, afterwards considered in the E. Council, on

\* See page 180

that day. At that meeting, Mr. Forster the Chief Police Magistrate, remarked that the £8.8.0 for the Design of the Alterations to St. George's Church could not be charged against the Govt., the Subscribers having become liable for every expense to be incurred, excepting Convict Labour and certain Materials. On the 16<sup>th</sup> August Captain Cheyne was informed accordingly and the charge was rejected. Thus it will be seen that Captain Cheyne's letter of the 24<sup>th</sup> July was twice under the particular notice of Sir John Franklin, before the 7<sup>th</sup> of August. And his note to me, of that date shows clearly that he had studied it very attentively while it remained in his possession from the 3<sup>rd</sup> to the 7<sup>th</sup> of August. I will now extract that portion of Captain Cheyne's letter of the 24<sup>th</sup> of July in which Sir John Franklin states he "should have found sufficient to excite suspicion" on the subject of these alterations (Saint George's Church) had he read it with more care.

The following is the extract.

"A design for an addition to the Parsonage of Saint"

"Grays Church was ordered and prepared by Mr.  
 "Blackburn previous to his becoming free. The"  
 "design mentioned in the List was one for an"  
 "entirely new and enlarged Tower, and which"  
 "could not have been ordered till after he became"  
 "free because previous to his becoming so, it was"  
 "not known that it would be necessary to take"  
 "the Tower down to the foundation, and which"  
 "was the occasion of the new design being"  
 "required. The design also provided for an"  
 "additional height being given to the walls at"  
 "the request of Mr. Fry made to me after"  
 "Mr. Blackburn became free." - Upon this point  
 I have but a few more words to add. I respectfully  
 request Lord Stanley to peruse the minute of  
 the proceedings of the Ex-Council of the 7<sup>th</sup> of Aug<sup>r</sup>  
 1841 in connexion with Captain Chaynis letter  
 of the 24<sup>th</sup> of July, because I think he must after-  
 wards arrive at the inevitable conclusion, either  
 that Sir John Franklin could not have read that  
 letter in the cursory, inattentive, manner his  
 Despatch implies, or, if he did, that he was  
 unmindful of his duty to Her Majesty, when

a letter, which involved the question of whether a large, important and very expensive department should be remodelled, or be allowed to continue in a most unsatisfactory manner, was under deliberation in his E. Council.

#### Fourth Point

In stating that he objected to the Charge of £8. in Mr. Blackburn's account for the design of St. Georges Church, Sir John Franklin has unintentionally involved himself in a dilemma. - He admits that the plan marked B. was shewn him by Mr. Fry some time after the 26<sup>th</sup> of February 1841, and that it was for the Spire, as shewn on that plan, that he approved of Stone &c. He admits, also, that he heard nothing more of the Church till July when he objected as his Despatch states to the £8. Charge for the design "because he considered that the subscribers alone were liable for all such expenses", but the reason he gave at the time, in the letter of the 20<sup>th</sup> July to Captain Cheyne for his objection was in these words, "The design for the Alteration to St. Georges Church was ordered before Mr. Blackburn

was free", his mind evidently reverting to Plan C.  
 But Captain Cheyne then explained in his letter  
 of the 24<sup>th</sup> of July that, that reason could not  
apply, because, as Blackburn was free on the  
3<sup>rd</sup> of May, — and the old Tower was not  
pulled down till after that time, the design for  
the "new and enlarged Tower" must, consequently,  
have been drawn subsequently. On the 7<sup>th</sup> of  
 August Sir John Franklin states that Captain  
 Cheyne's letter of the 24<sup>th</sup> of July was read in  
 the E. Council, and that he then struck the  
 L<sup>d</sup>. Charge out of Mr. Blackburn's account  
 "conceiving that the Government had nothing"  
 "whatever to do with this expense, for which the  
 "Subscribers alone were liable". — From his giving  
 so different a reason in August, for his objections,  
 to that which he gave to Captain Cheyne in  
 July, his mind must, at that time, at all  
events, have been satisfied, that there had  
been two sets of plans prepared, — the old and  
the New, and yet, notwithstanding this  
circumstance, he states in his Despatch "it has,  
"however lately come to my knowledge that these



"designs (the plans charged in Mr. Blackburn's account"  
 "were not plans of the Spire for which I authorized"  
 "the quarrying of Stone &c. but for an entirely new"  
 "set of alterations," and again "The Tower being"  
 "down an entirely new plan was designed," x x x  
 "of which I was in total ignorance until very"  
 "late."—

### Fifth Point—

An error has been made by Sir John Franklin  
 in his Despatch in quoting from a Memo<sup>r</sup> of  
 mine which I beg to correct: it is this, he  
 (Mr. Montagu) states he had never seen the  
 "authority upon which the erection of the much"  
 "larger Tower &c now in progress, was commenced"  
 "and that the plans were submitted and approved"  
 "by me, when I subscribed Five Pounds", and  
 then he adds, "in making this ascription Mr. Montagu"  
 "is in error". This extract, from the way it is  
 written in the Despatch would be deemed to  
 be a continuous quotation, containing the exact  
words of my Memorandum, — but it is not so,  
 my Memorandum is dated 24<sup>th</sup> Jan<sup>y</sup> 1842 and  
 states "I have never seen the authority upon which"

"the erection of the much larger Tower &c now in  
"progress was commenced."

"When it was determined to pull down the old  
"Tower Capt. Cheyne prepared plans for the new  
"one, and sent them to me, I immediately forward-  
"ed them to the Churchwardens to know if they  
"would provide for the extra expense, and I have  
"ascertained from the Rev. H. Fry, that they were  
"by him submitted to His Excellency, who approved  
"of them and subscribed Five Guineas."

The insertion of the whole extract shews, that  
I have been misquoted, and that I made no  
such assertion as is imputed to me —

#### Sixth Point

The following passage is extracted from Sir John  
Franklin's Despatch — "Besides in reference  
"to a work (St. Georges Church) in which Mr.  
"Montagu was known to take so warm an  
"interest, and which I understand he constantly  
"inspected, his residence being in its immediate  
"neighbourhood, it appears ~~xxx~~ Upon this I would  
"be to submit, that I had no other Interest in  
"it, than I had in every other place of Worship to

many of which I have subscribed, and visited them when ever I had an opportunity. I inspected St. Georges Church frequently, and so I did the New Custom House, the Wharf and every other Public work when I was living in that Neighbourhood, but my residence there was but a temporary one, and only continued till I could procure a suitable House for my Family. I procured one situated at the North Eastern extremity of Hobart Town, and distant between two and three Miles from Saint Georges Church. After I occupied it I never attended Divine Service at Saint Georges Church, nor should I have done so more than once a year, in all probability; the New Town Church (in which Parish my House was situated) being close to my Residence, nor did I afterwards inspect the Building.

#### Seventh Point

Throughout his Despatches Sir John Franklin alludes to the difficulties he had encountered in tracing "some papers connected with Saint Georges Church" "some of which have only recently and after considerable exertion on his part to discover them came to his knowledge" And he observes "upon the extreme"

"difficultly he had met with in tracing the letters"  
 "which had passed or in obtaining any information"  
 "whatever upon the subject—"

If it were not for the concluding paragraph of his  
 Despatch that "I had evidently endeavoured to"  
 "keep him in the dark on the subject," I should  
 not notice these expressions, from feeling that they  
 are not applicable to me, — but the direct charge,  
 in the words I have just quoted can leave no  
 doubt that I am the person pointed at throughout  
 though not named. — But Sir John Franklin  
 has, fortunately, furnished me with the means  
 of refuting so cruel a charge. — On the 26<sup>th</sup> of  
 December 1841 Sir John Franklin for the first  
 time called upon me for information, letters and  
 plans — On the 30<sup>th</sup> I supplied him with all  
 he required. To the Memorandum supplying them  
 I beg to observe, since it contains much inform-  
 ation upon subjects it is important should be  
 known to Lord Stanley, that I trust his Lordship  
 will excuse me for bringing it under his notice. —  
 On the 10<sup>th</sup> of January more information, plans &c  
 were required from me, and with the exception

of an old plan. Mr. Hoard could not find, they  
 were all furnished on the 24<sup>th</sup> of that month.  
 On the 26<sup>th</sup> of Aug. more were required of me,  
 which were supplied on the 28<sup>th</sup>. Since my  
 departure the only documents which have been  
 discovered are, 1<sup>st</sup> the old plan Mr. Hoard could  
 not find in January, 2<sup>nd</sup> a note from Mr. Mitchell  
 and one from myself to Captain Cheyne [dated  
 the 12<sup>th</sup> and 21<sup>st</sup> of June 1841] desiring him to  
 send in the Plans of the new Tower - and 3<sup>rd</sup>  
 Two notes from me to Mr. Fry one dated 14<sup>th</sup> May  
 1841, informing him that in pulling down the old  
 Tower and rebuilding the new, Divine Service  
 at Saint Georges would not be interrupted; -  
 and the other, dated 25<sup>th</sup> of June 1841, sending  
 Mr. Fry the plans for the new Tower. This  
 explanation will I trust satisfy Lord Stanley  
 that I have been unjustly accused in this respect.  
 And in conclusion I beg to assure his Lordship  
 that I am incapable of acting the underhand,  
 dishonourable part I am charged with by Sir  
 John Franklin. The enclosures I received with your  
 letter I have the honor to return herewith, - I

I have the honor to be

Sir

Your Most Obedient Servant.

(Signed) John Montagu.

Copy of Sir John Franklin's Note referred to in  
M<sup>r</sup>. Montagu's letter to M<sup>r</sup>. Hope dated 16<sup>th</sup> July  
1842. (Referred to at page 178)

Govt. House 7<sup>th</sup> Aug<sup>th</sup> 1842.

My dear Sir -

I perceive that Captain Cheyne's  
reply to your letter of 17<sup>th</sup> June 1838 is not  
among the correspondence which was sent to me  
on 3<sup>rd</sup> August.

Your letter furnishes him with a detail  
of the New System which was to come into operation  
on 1<sup>st</sup> January 1839, and my wish is therein  
intimated to him that he would undertake  
the Office of Civil Engineer. His answer seems  
to be requisite for the due consideration of all  
the points connected with his appointment  
to undertake the duties of Civil Engineer.

John Montagu Esq<sup>r</sup>

Col. Secy

I should therefore be glad to have his letter as well as any other of that period which bore upon his being so appointed.

Captain Cheyne is correct in saying in his Letter of 25<sup>th</sup> July 1841, that the Specifications for the projected improvements for the Wharfs at Limerick were not laid on the Table of the Legislative Council - It was only a design or Plan of the Improvements he suggested. But I would ask, were there not Specifications for these Wharfs prepared when the Public Invitation for Tenders was issued on 25<sup>th</sup> May or previous to the 8<sup>th</sup> June on which date Blackburn's Charge for these Commences! If not how could the Invitation be Satisfactorily Made!

Yours faithfully,  
John Franklin.

Downing Street  
20<sup>th</sup> July 1842.

Sir,

I am directed by Lord Stanley to transmit to you the Copy of a Letter from Mr. Howlowe to Captain Ainsworth of the 25<sup>th</sup> January 1842 together with a Copy of Captain Ainsworth's reply of the 26<sup>th</sup> of the same month; and I am directed by his Lordship to direct your particular attention to the following passage in Capt. Ainsworth's Letter as applied to yourself.

"He further told me that, with respect to an Article <sup>which had appeared in the Phoenix</sup> of the 10<sup>th</sup> December, it was not written by Mr. Thomas Mac Dowell, that an Article had been left with Mr. E. M. Dowell for insertion in that Paper during his absence up the Country; that on their (Mr. Montagu's and Mr. Thos. M. Dowell's)

J. Montagu Esq.  
y. y. y.

return



"return they were surprised to find that"  
 "another had been substituted for the one"  
 "left," and which he M.<sup>r</sup> Montagu, knew"  
 "had been written by M.<sup>r</sup> E. MacDowell"  
 "and was the offensive Article in the Paper"  
 "of the 10<sup>th</sup> Decr."

Lord Stanley wishes to be informed  
 whether you admit the correctness of the  
 report of your conversation there given,  
 and which is stated to have taken place  
 on the 10<sup>th</sup> January last, indicating as  
 it does, a knowledge on your part,  
 previous to your departure on the Expedition  
 on which you met M.<sup>r</sup> M.<sup>r</sup> Dowell, of the  
 Article which was intended to have been,  
 but which was not inserted in M.<sup>r</sup> M.<sup>r</sup>  
 Dowell's Paper.

I am Y<sup>rs</sup>

(Signed) G. M. Hope

Government House

25<sup>th</sup> January 1842.

My Dear Anisworth,

I am commanded by the Lieutenant Governor to inform you that circumstances have placed his Excellency in a position which rendered it necessary for him to call upon you for a written statement of the conversations which you have reported as having taken place between yourself and Mr. Montagu during the last fortnight. You will recollect that on Monday the 10<sup>th</sup> instant you waited upon His Excellency and volunteered a statement of an interview which actuated by feelings of respect for Sir John Franklin you had sought that Morning with Mr. Montagu.

You informed His Excellency as you subsequently did Lady Franklin and myself, that in the course of the conversation which

you

Capt<sup>n</sup> Anisworth.

Y<sup>e</sup>

Y<sup>e</sup>

Y<sup>e</sup>

you had had, that morning, — Mr Montagu mentioned to you his excursion to Marlborough with Mr. T. MacDowell, his knowledge of the nature of the Article which was to have formed the leading Article in the Chronicle of the 10<sup>th</sup> of December but for which the offensive one which did appear was substituted, and his knowledge of the Author of that offensive Article which you afterwards informed His Excellency was Mr. E. MacDowell. Upon a subsequent occasion you detailed the particulars of a conversation you had had with Mr. Montagu some day last week, in the course of which, that Gentleman mentioned his having received from His Excellency "a discretionary power" to communicate to Mr. MacDowell the substance of any Despatches from the Secretary of State or other Official Document.

I am entrusted by His Excellency to say that you will oblige him by furnishing  
him

him as early as you conveniently can with  
a detailed statement in writing of these  
conversations. Your verbal account is fresh  
in His Excellency's Memory; but to avoid  
the possibility of the slightest confusion  
on any point, His Excellency is particularly  
desirous of receiving such written statement  
before he has any conversation with you

Believe me V.

(Signed) J. H. Henslowe  
Priv. Sec.

Marquand Street  
26<sup>th</sup> January 1842.

My Dear Henslowe,

In obedience to His  
Excellency's Commands which have been  
conveyed to me in your communication of  
yesterdays date and which I only received  
this morning, I hasten to furnish the in-  
formation therein required of me as far as

To His Excellency  
J. H. Henslowe Esq.  
Priv. Sec.

my memory will assist me.

In consequence of some reports which had come to my knowledge, that Mr. Montagu was supposed in some way or other to be mixed up with the scurrilous Articles which had lately appeared in the New Diemen's Land Chronicle, I rode out early on Monday Morning the 10<sup>th</sup> instant to his residence where I had an interview with him, I told him the object of my visit was to make him acquainted with the these rumours and asked him if he would authorize me to contradict them, he replied certainly, that I had his full permission to do so, that he had nothing whatever to do with them either directly or indirectly, either by a second or third person, that he had quite done with Mr. Mac Dowell and his Paper for some three or four months past, that he thought proper to publish an Article which he had his authority to publish only in part,

and

and from that period he had quite done  
 with him and his Paper. He further  
 told me that with respect to an Article  
 which had appeared in the Chronicle of the  
 10<sup>th</sup> December; that it was not written by  
 Mr. Thomas Mac Dowell, that an Article  
 had been left with Mr. E. Mac Dowell  
 for insertion in that Paper during his absence  
 up the Country, that on their (Mr. Montagu's  
 and Mr. Tho<sup>s</sup> Mac Dowell's) return  
 they were surprised to find that another  
 had been substituted for the one left  
 and which he Mr. Montagu knew had  
 been written by Mr. E. Mac Dowell,  
 and was the offensive Article in the  
 Paper of the 10<sup>th</sup> Dec<sup>r</sup>. I think it was  
 at the same interview he told me that  
 he had occasionally furnished Mr. T.  
 Mac Dowell with Articles for his Paper,  
 but that he always submitted them  
 to the Governor first or that his Excellency  
 was always made aware of what was to  
 appear

appear in the Paper excepting in the Case of any very trivial Articles, with those he had a discretionary power to communicate them or not, as not being worth troubling his Excellency about. I cannot call to my memory the exact words of this part of the conversation; but it was to that effect. I have now to state that when M<sup>r</sup>. Montagu told me that M<sup>r</sup>. E Mac Dowell was the Author of that Article in the Paper of the 10<sup>th</sup> Dec<sup>r</sup>. he desired me not to mention it, but after some deliberation, I thought it such an act of ingratitude on the part of M<sup>r</sup>. E Mac Dowell towards his Excellency, that I could not refrain from mentioning it. I regretted much that I had not first obtained M<sup>r</sup>. Montagu's sanction to make that communication to His Excellency, and afterwards called and made him acquainted with the step I had taken. I am not aware of anything I have further

further to communicate.

Believe me Y<sup>r</sup>  
(Signed) C. D. Anisworth

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Cheltenham  
21<sup>st</sup> July 1842.

Sir

I have the honor to acknowledge your Letter of yesterday, having been transmitted to me by Lord Stanley's direction, Copy of a Letter from Mr. Henslowe to Capt. Anisworth together with a Copy of that Officer's reply and after directing my particular attention to a passage in Captain Anisworth's Letter, I inform me that Lord Stanley wishes to be informed, whether I admit the correctness of the report of my conversation there given, indicating as it does a knowledge on my part previous to my departure on the Expedition in which I met Mr. M. M. Dowell, of the Article which was intended,

C. W. Hope Esq.  
Y<sup>r</sup> Y<sup>r</sup> Y<sup>r</sup>

to



to have been, but which was not inserted in Mr. M. Dowell's Paper.

In reply I have the honor to state for Lord Stanley's information that I say in the most unqualified terms the correctness of that part of my conversation with Captain Anisworth. I can assure his Lordship most solemnly upon my honor, that I did not know (nor do I know at this moment) what the Article was which was intended to have been inserted, but which was not inserted. I did not even know to what subject it referred nor that one had been left. This direct denial would probably be as much as Lord Stanley requires from me in reply to his enquiry, but as I have the means of corroborating that denial I trust his Lordship will pardon me for introducing them to his notice. I must be permitted to mention that Captain Anisworth is an old and an intimate military acquaintance of mine. Ten days before

207

before he called upon me on the 10<sup>th</sup> January 1842, reports had been industriously circulated, which I shared satisfactorily had originated with Mr. Henslow and Lord Franklin, to the effect that the Articles in the Van Diemen's Land Chronicle which appeared on the 10<sup>th</sup> Dec. and three following publications of it (Friday in each Week) were either written by me or that I had something to do with them. On the 10<sup>th</sup> of January Capt. Anisworth rode out to my House and breakfasted with me. Our intimacy was of that kind that he could do so or dine with me, whenever he felt inclined, without ceremony. He told me of the reports and said he knew me so well that he was quite sure they were untrue - that he had already, upon his own responsibility, given the reports the most direct denial upon the only two occasions he had heard them, but that he would rather be enabled to contradict them upon my authority because

his

his denial would then carry more weight, and, as a matter of ceremony for the object stated, and not in any way to satisfy his own mind, he thereupon applied to me for it. I of course, gave it to him, and as he told me he had heard Lady Franklin report the report, I requested him, as Lord Stanley will perceive I have stated in the 28<sup>th</sup> Paragraph of my Letter to his Lordship of the 24<sup>th</sup> ultimo "to assure Sir John Franklin in the most unqualified terms" "of my not having been a party in any" "way whatever directly or indirectly, or of" "not having had any knowledge before" "publication of the objectionable Articles, which" "appeared in the Chronicle in December" "last". I can assure Lord Stanley that Captain Anisworth did not inform me as Mr. Henslow has assumed that "actuated" "by feelings of respect for Sir John Franklin" "he had sought an interview with me" that

"that Morning." The only reason he gave I have stated, and he would not have repeated what had passed to Sir John Franklin had I not requested him to convey my message. (I was confined to my house by an accident) in consequence of hearing that Lady Franklin had repeated the report in his (Captain Anson's) presence. Lord Stanley will perceive that Captain Anson's reply to Mr. Henslow does not corroborate that Gentleman's assumption, but on the contrary confirms my statement. He says, "In consequence of some reports which had come to my knowledge" "that Mr. Montagu was supposed in some way or other to be mixed up with the" "scurrilous Articles which had lately appeared" "in the Van Diemen's Land Chronicle I" "rode out early on Monday Morning the" "11<sup>th</sup> instant to his residence where I had an interview with him. I told him the" "object of my visit was to make him"

acquainted

"acquainted with these rumours, and asked"  
 "him if he would authorize me to contra-"  
 "dict them, he replied certainly that I had"  
 "his full permission to do so, that he had"  
 "nothing whatever to do with them either"  
 "directly or indirectly by a second or third"  
 "person." Captain Anisworth's object having  
 been effected for which he truly states  
 he waited upon me on the 10<sup>th</sup> January &  
 we in a friendly, unreserved manner talked  
 over the Reports. He alluded to the  
 Correspondence which had passed between  
 Mr. Henslow and me (which Mr. Henslow  
 had shown him) in reference to these  
 Reports. I then told him that if Mr.  
 Henslow had either written or spoken to  
 me in the same open, gentlemanly manner  
 he (Captain Anisworth) had done I  
 would have given him an equally straight-  
 forwards denial of my not being concerned  
 in the objectionable Article, but as his  
 Letters appeared so like a trap, and feeling  
 satisfied

satisfied from Lady Franklin's amissivity  
 towards me <sup>and</sup> Dr. Coverdale's restoration that  
 they were her productions, though coming  
 from him, I had declined giving him any  
 information. I mentioned likewise to Captain  
 Ansell the accidental circumstance of Mr.  
 T. M. Dowell meeting me at Hamilton  
 on my way to Marlborough and I also  
 mentioned in proof that I could not even  
 have known that the objectionable Article  
 of the 10<sup>th</sup> of December was to appear  
 in his Paper of that day, that I had  
 heard he (Mr. T. M. Dowell) was not  
 the Author of it - and that he was surprised  
 that it had been inserted by his Brother  
 instead of another Article he had left  
 with him for insertion in that day's Paper  
 before his departure for Marlborough. I  
 also stated that I regretted the change  
 of Articles because if the objectionable Article  
 had not appeared at that particular time  
 there would have been no appearance of  
 a reason for connecting me with it - I also  
 mentioned

mentioned to Capt.<sup>n</sup> Anisworth as his Letter states that I had been told in confidence that M.<sup>r</sup> & M.<sup>r</sup> Dowell was the Author of the objectionable Article of the 10<sup>th</sup> of December, but that as I had only heard of it through a third person I did not feel at liberty to repeat it excepting on the same confidence to him.

If I had been afforded the opportunity I am sure Capt.<sup>n</sup> Anisworth would have admitted the correctness of this statement and Lord Stanley will I trust perceive that although Captain Anisworth's words "on their return they were surprised" "to find that another had been substituted" "for the one left" imply the knowledge on my part previous to my departure for Marlborough of the Article which was intended to have been but which was not inserted, yet they are capable of being satisfactorily explained by reference to all the circumstances which were adverted to

in the conversation between Captain Amisworth and myself. It should be borne in mind that I returned to Hobart Town on the 10<sup>th</sup> December and that my conversation with Capt<sup>n</sup> Amisworth took place one month afterwards namely on the 10<sup>th</sup> of January. During the interim I had not, as I informed Capt<sup>n</sup> Amisworth, spoken to either of the Messrs Mac Donells. I had, however, been informed by Mr Mitchell that Mr J Mac Donnell had two days before expressed to him his surprise at the insertion of the objectionable Article of the 10<sup>th</sup> of December and of the omission of the one he had left behind him for that day - and Mr Mitchell also, in confidence, informed me that he knew, but not from either of the Brothers, that Mr E. M. Donnell was the Author of the objectionable Article. When repeating these particulars to Captain Amisworth I have no doubt he clearly understood my meaning.



meaning. He should however have explained  
 that I then told him I had not seen  
 Mr. J. M. Dowell since I returned on  
 the 10<sup>th</sup> December because from the way  
 his Letter is worded it would seem that  
 what I told him about the change of  
 Article V. I communicated as from Mr.  
 J. M. Dowell himself which was not  
 the case. From the words "on their return"  
 "they were surprised &c" it would also seem  
 that Mr. J. M. Dowell and I had been  
 conferring together on the subject, and that  
 I had communicated to Capt. Anisworth  
 our joint expressions of surprise, but such was  
 not the fact. It is as I have admitted  
 quite true that I informed him I had  
heard of Mr. J. M. Dowell's surprise &c  
 and I expressed my own regret at the  
 change of Article for the reason I have  
 already mentioned. But I never did express  
my surprise on my return that another  
 Article

Article had been inserted for the one left, because I did not know that there had been one till Mr. Mitchell told me of it two days before my conversation with Captain Anisworth occurred.

The main object of Capt. Anisworth's visit to me was, as he has stated, to get my denial of being in any way concerned in the objectionable Articles. The remainder of our conversation was merely incidental to that and did not, I have no doubt, obtain so much of his attention as he gave to the principal point. It may therefore be easily conceived that in recording the minor points of it he did not attempt the same degree of accuracy as with the major both on account of his not being aware of the importance of them and because they did not bear upon my denial of the particular point he came to enquire. His own Letter indeed shows that his recollection of the minor parts of our conversation was not  
very

very strong. He says in alluding to me  
 "I think it was at the same interview"  
 "he told me" to the effect that I had  
 a discretionary power of furnishing Mr. T.  
 M<sup>r</sup>. Dowell with timely Articles for his  
 Paper and then adds "I cannot call to"  
 "my memory the exact words of this part"  
 "of the conversation but it was to that"  
 "effect."

Now if Lord Stanley will do me  
 the honor to refer to the 25<sup>th</sup> 22<sup>nd</sup>  
 and 23<sup>rd</sup> Paragraph of my Letter to him  
 of the 24<sup>th</sup> Ultimo he will ascertain  
 the exact substance of my conversation with  
 Capt<sup>l</sup>. Answorth which was in accordance  
 with those Paragraphs respecting the Article  
 furnished by me to that Paper and he  
 will therein perceive that in recording  
 that portion of our conversation Captain  
 Answorth is in error respecting the "dis-  
 cretionary power." But I am sure his error  
 in that instance, as in that previously referred

to respecting the Article which was to  
 have been but was not inserted in  
 the "Chronicle" arose from the same  
 causes, and which I have already endeavored  
 to explain. I hope Lord Stanley will excuse  
 me for referring him to another portion of  
 Captain Anisworth's Letter, to point out  
 that Captain Anisworth himself could not  
 have intended (in the Paragraph of his  
 Letter which you have quoted) to infer that  
 I had a knowledge before my departure  
 for Marlborough, of the Article which was  
 not inserted in the "Chronicle" on the 10<sup>th</sup>  
 December. He states that I informed him  
"that I had quite done with W. M. Dowell"  
"and his Paper for some three or four"  
"months past that he (W. M. Dowell)"  
"thought proper to publish an Article which"  
"he had my authority to publish only in"  
"part and from that period I had quite"  
"done with him and his Paper" This refers  
 to the Article in the Paper of the 6<sup>th</sup> of  
 August

August 1841 (which is explained in the  
 2<sup>nd</sup> Paragraph of my Letter of the  
 24<sup>th</sup> of June). That Newspaper and the  
 Article I shewed to Capt. Anisworth at  
 our conversation on the 10<sup>th</sup> of January  
 1842. I therefore respectfully submit to Lord  
 Stanley that such a statement from me  
 would not be consistent with my informing  
 Captain Anisworth that I had a knowledge  
before my departure for Marlborough of  
 the Article which was not inserted and  
 although his words certainly imply that  
 I had, I think it must now be obvious  
 that it was not his intention to convey  
 that meaning by those words. Even Mr.  
 Houslow, who so carefully reminded Capt.  
 Anisworth of all the points he had  
 mentioned to Sir John and Lady Franklin  
 and himself as having occurred at the  
 conversation I had with that Officer, does  
 not allude to my knowledge of that Article  
 to

to have been before my departure.

Being most anxious to satisfy Lord Stanley's mind by every means in my power of the correctness of my denial of the report of my conversation with Captain Answorth, I beg leave to draw his attention to the following Extract of my Memorandum of the 13<sup>th</sup> January 1842, addressed to Sir John Franklin three days after my conversation with Captain Answorth "In proof that I "was ignorant of the general permission to "afford the Editor (Mr. J. M. Dowell) "information, I need only remark that since "the middle of August last he has obtained "none through me nor have I before pub- "lication spoken to him upon any Article "which has appeared in the Chronicle since "that time."

I feel persuaded Lord Stanley will not suppose me capable of writing such a statement to Sir John Franklin if three days previously I had said anything to  
 Captain

Captain Anisworth which implied a  
 knowledge on my part before leaving  
 Hobart Town for Marlborough on the  
 14<sup>th</sup> of December of an Article which  
 was to be left behind for insertion in  
 the Paper of the 10<sup>th</sup> of that Month,  
 knowing as I did, that Captain Anisworth  
 went direct from me to Sir John Franklin  
 to repeat what had passed between us,  
 and I may therefore, I submit, fairly  
 presume that no such an impression  
 could have been conveyed to Sir John  
 Franklin's mind or he would have called  
 upon me to explain the contradiction the  
 moment he received my Memorandum of  
 the 13<sup>th</sup> January. In the Note of my  
 conversation with Sir John Franklin of  
 the 18<sup>th</sup> January 1842 already submitted  
 to Lord Stanley in my Letter of the 24<sup>th</sup>  
 ultimo are the following Passages "I am"  
 "assured your Excellency upon my honor that

S

"I had no more to do with the first"  
 "or any subsequent objectionable Article"  
 "in the Chronicle than you had - and"  
 "I can also assure you that during the"  
 "whole time Mr. T. M. Dowell was in"  
 "company with us (to Marlborough) there"  
 "was not even an allusion in my presence"  
 "to his Newspapers that I can recollect." x x  
 "x x "But Sir in confirmation of my state-"  
 "ment that I could not even have known"  
 "that the Article of the 10<sup>th</sup> December was"  
 "to appear in the Chronicle of that day,"  
 "I have ascertained that Mr. M. Dowell"  
 "did not write a word of it." x x x x x "Since"  
 "the Article of the 10<sup>th</sup> of December appeared"  
 "I have spoken to him (Mr. T. M. Dowell)  
 "but once about his Paper - to which I"  
 "will presently allude - and that was upon"  
 "an Article I had read in it - I have in"  
 "my first Memorandum (13<sup>th</sup> January) informed"  
 "your Excellency that I have not spoken"  
 to



"to him since August last upon anything  
his Paper contained before publication."

This conversation occurred on the 18<sup>th</sup> of  
January eight days after my conversation  
with Captain Anisworth and at the time  
it took place it will be seen I said  
to Sir John Franklin "If Sir you have  
any other grounds of suspicion or complaint"  
against me I beg to be informed, that I  
"may on the spot give you every explanation"  
"in my power," to which he replied "I have"  
"no other grounds." Here again I submit  
I may fairly presume that if Captain  
Anisworth had reported to Sir John  
Franklin the impression his Letter conveys,  
he would have informed me of the incon-  
sistency between my statements to himself  
and the conversation which Captain Anisworth  
had so lately repeated to him.

I have stated that Captain Anisworth  
is an old friend. Mr. Foster in his Letter  
to

to Captain Anisworth of the 13<sup>th</sup> January  
 (transmitted to Lord Stanley with my  
 Letter of the 24<sup>th</sup> Ultimo) writes "Montagu  
 has told me of your friendly visit and of  
 the purport of it." Capt<sup>n</sup>. Anisworth left  
 Hobart Town on duty on the 26<sup>th</sup> January  
 as soon as he had finished his Letter  
 to Mr Henslowe and did not return till  
 the 9<sup>th</sup> of February on which day I embarked  
 for England. He called twice on that day  
 and was most anxious to see me but we  
 were not fortunate enough to meet. He  
 then sent a Public Officer to me to express  
 his deep regret that he had been compelled  
 to put on Official record the private conversa-  
 tion we had had on the 10<sup>th</sup> January,  
 but he was happy to inform me that he  
 had in his Letter to Mr Henslowe, completely  
 exonerated me from all knowledge of a  
 participation in the objectionable Articles in the  
 Van Diemen's Land Chronicle. I mention these  
 particulars to satisfy Lord Stanley what Captain  
 Anisworth's

Answering feelings were towards me and to point out that he never could have intended to inculcate me in the manner his Letter appears to do. I trust Lord Stanley will be quite satisfied after perusing this explanation and again receiving my own most solemn denial that I had not any knowledge previous to my departure for Marlborough of the Article which was intended to have been but which was not inserted in the Van Diemen's Land "Chronicle" of the 10<sup>th</sup> of December.

The receipt of your Letter has, I can assure you, gratified me exceedingly. It has shown me that by Lord Stanley's deep examination into my Case, my conduct and character will be most rigidly scrutinized, at which I sincerely rejoice both on public and private grounds, feeling quite confident that the more they are probed, the brighter they will appear.

I have &c.  
(Signed) John Montagu

Downing Street

8<sup>th</sup> August 1842.

Sir,

I am directed by Lord Stanley to transmit to you the enclosed Extract and Copy of two Despatches from Lord Governor Sir John Franklin, and to acquaint you that his Lordship would wish to receive any explanations which you may have to offer in regard to the alleged fact of communications having been made by you to the Local Newspapers of Van Diemen's Land, after your suspension from Office, with reference to your differences with Sir John Franklin.

I am &c.

(Signed) G. W. Hope.

John Montagu Esq.

Y<sup>e</sup> Y<sup>e</sup> Y<sup>e</sup>

Extract of a Despatch from  
 Sir John Franklin to Lord  
 Stanley, dated Government House,  
 Van Diemen's Land, 8<sup>th</sup> February  
 1842. N.º 3

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"In the number of the "Van Diemen's  
 "Land Chronicle dated 28<sup>th</sup> January, which  
 "announces the suspension of M<sup>r</sup>. Montagu, is  
 "a passage which like others of the same  
 "low tendency I passed over unheeded, 'till my  
 "attention was called to it a few days since  
 "by my Aide de Camp, who as sole Manager  
 "of my domestic Arrangements submitted to  
 "me some communications that had passed  
 "concerning the Government Garden. Copy of  
 "which I enclose, not however without apologizing  
 "to your Lordship, that the precaution required  
 "to meet every point which M<sup>r</sup>. Montagu  
 "appears to consider important should force  
 "me to intrude upon your Lordship's notice  
 "such despicable trifles.

M<sup>r</sup>. Montagu

"Mr. Montagu will feel it to be due to him that I should state that on the Morning after the appearance of the Paper in question he caused the information to be conveyed to me that he had nothing to do directly or indirectly with that Article.

I also beg to call your Lordship's attention to the fact, that on the day of publication, which immediately followed the communication to Mr. Montagu of my dispensing with his further Services the Newspaper of that day announced the event in the words of my Memorandum though the Draft of it remained locked up in my Office, and that when that event was finally confirmed and gazetted, the whole of the Evening Papers on the day following contained according to the Advertisement of the Morning Papers of that day an "Authentic Piece" of the Correspondence, including that which had been carried on through my Private Secretary between Mr. Montagu and myself, as well as the personal Correspondence of those Gentlemen, evidently compiled from the Papers themselves.

(over)

"One of the Papers containing this Authentic  
 "Precis" is the Courier which at this moment  
 "is favoured for reasons which I need not trouble  
 "your Lordship with here, with the profitable  
 "monopoly of the Commissioned Tenders, the other  
 "is a Vehicle still less likely, I should have  
 "imagined to be used by any one careful of  
 "Mr. Montagu's reputation, being the well  
 "known "Morning Review," whose name is familiar  
 "at the Colonial Office."

"A more glance at either of these  
 "Papers (Friday 14<sup>th</sup> Feb'y) will convince your  
 "Lordship that the whole of the Documents  
 "relating to the subject of my suspension of  
 "Mr. Montagu, have with a great deal of  
 "previous matter, been in the hands of the  
 "Individuals above mentioned. I would not  
 "trouble Your Lordship with a reference to these  
 "points, were it not for the remarkable fact  
 "of all the Editors having free access to all  
 "the Papers."

---

Van

Van Diemen's Land  
Government House  
17<sup>th</sup> February 1842.

Duplicate  
N<sup>o</sup> 7

My Lords,

With reference to my Despatch N<sup>o</sup> 3 of the 8<sup>th</sup> February, in which I was compelled to demand so much of your Lordships attention to the seditious Press of this Colony, and to point out the extraordinary fact of all the Editors of the Hobart Town Newspapers having such early access to the correspondence which passed between Mr. Montagu and myself, I am still under the necessity of transmitting another copy of the Van Diemen's Land Chronicle and to submit to your Lordships notice one remarkable circumstance connected with it.

In my former Despatch I had the honor to inform your Lordship the Rev<sup>d</sup> Mr. Aslatic the Clergyman of Richmond having observed in the "Courier" which still claims

The Right Hon<sup>ble</sup>

Lord Stanley

Y<sup>rs</sup> Y<sup>rs</sup> Y<sup>rs</sup>



to be the Official Newspaper, a Statement purporting to be "an authentic Précis of the Correspondence," and containing certain assertions relative to the Petition presented in behalf of Dr. Couvreur, had addressed to Mr. Montagu a Letter setting forth the true origin of that Petition.

I would request your Lordship to observe that the "authentic Précis" was published in the "Courier" on the Afternoon of Friday the 4<sup>th</sup> instant. It consequently reached Richmond on Saturday the 5<sup>th</sup>. On Tuesday the 8<sup>th</sup> Mr. Montagu received the Rev. & Mr. Aislabies Letter, informing him that he (Mr. Aislabies) had been the originator of the Petition, which in effect that Rev. Gentleman had himself forwarded to me on the 15<sup>th</sup> October, having himself come up to Town two days previously, for the purpose of waiting upon me to request that any further proceedings might be staid until I could take into consideration the Petition which was in process of Signature. On the same day the 8<sup>th</sup> instant Mr. Montagu returned

returned to Mr. Asistabie a reply to his Letter which could not reach him until the 9<sup>th</sup> -

I have no reason to believe that Mr. Asistabie did not communicate with Robert Town subsequently to the receipt of <sup>that</sup> Letter - yet in the Chronicle of the 11<sup>th</sup> is published the substance of Mr. Montagu's reply to Mr. Asistabie.

There are many other remarkable points connected with the Newspapers which appeared on that day as well as those which have been published to day with which it is needless to trouble your Lordship but this circumstance appears to me so strongly indicative of the use made by Mr. Montagu of the Press, that I deem it proper to bring it under your Lordship's notice. In the "Review" edited by Mr. Lathrop, Newry, of to day, your Lordship will perceive the purport of the offensive Paragraph in Mr. Montagu's Letter to one of the 17<sup>th</sup> without given at length, a publication which I should have imagined Mr. Montagu, had the feelings expressed by him on the subject of the Paragraph in his Letter of 31<sup>st</sup> January

been

been sincere would have taken especial pains to prevent.

I have the honor at the same time to transmit several other Papers in all of which the same coincidences force themselves upon my observation but to which I do not think it necessary to make any more particular allusion.

I also beg to enclose Copy of the last Letter addressed to me by Mr. Montagu before his departure. That Letter refers to the trifling communications made to the Van Diemen's Land Chronicle by my Private Secretary, Copies of which have not been kept, but which with the exception of some considerable typographical errors appeared as I had the honor to inform your Lordship, in the second, sixth and 17<sup>th</sup> Numbers of the Chronicle.

I have &c

(Signed) John Franklin.

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Cheltenham  
10<sup>th</sup> August 1842.

Sir,

I have the honor to acknowledge your Letter of the 8<sup>th</sup> instant, transmitting to me by Lord Stanley's direction, an extract and copy of two Despatches from Sir John Franklin, and acquainting me that his Lordship would wish to receive any explanations which I may have to offer, in regard to the alleged fact of communications having been made by me to the Local Newspapers of Van Diemen's Land, after my suspension from Office with reference to my differences with Sir John Franklin.

Before submitting any observations will you permit me to have the honor of requesting you will convey my most grateful thanks to Lord Stanley for causing this reference to be made to me, because, although the conduct imputed to me by Sir John Franklin could not have operated with him for suspending

G. W. Hope Esq.<sup>d</sup>

Y<sup>s</sup> Y<sup>s</sup> Y<sup>s</sup>

me

me from Office, <sup>and</sup> might not on that account have been communicated to me from not being relevant to that matter, yet, as such allegations might, nevertheless, affect me in his Lordship's opinion, I cannot express to you how truly, thankful I am, that an opportunity for vindication has been afforded me.

At such a distance from my accuser and shut out as I am in consequence from most important evidence for defending myself against charges, which my character and the truth protected me from while I was on the spot, Lord Stanley will, I am sure, make every allowance for the difficulties of my position. But notwithstanding these circumstances I feel a confidence of being enabled to satisfy his Lordship's mind that there is no just ground for Sir John Franklin's allegations. The first accusation against me, is, in Sir John Franklin's Despatch N<sup>o</sup> 3 - He therein states that the Van Diemon's Land Chronicle of the 28<sup>th</sup> January contains a Passage concerning the Government Garden, upon which he had obtained some communication from his Aide de Camp, as

a precaution to meet every point I considered important. As I have never seen the Aide de Camp's communication, I must confine myself to simply narrating all I know upon the subject.

The Government Garden contains 12 Acres of choice Land, is most abundantly stocked and is supported at the Public expense, as will be seen by the Votes and Proceedings of the Legislative Council, at a charge of £800 a year. The produce of it is for the use of the Lieutenant Governor's Establishment, but the Colonial Secretary has always been considered entitled to receive fruit and Vegetables from it, as a Perquisite of his Office. My Predecessors in Office enjoyed that advantage, and so did I. Fruit and Vegetables were sent, likewise, daily by the Gardener to about twenty other persons (Public Officers and private Individuals) as a matter of favor, by Sir John or Lady Franklin's Orders.

On the 14<sup>th</sup> of January last the Government Gardener called and informed me that

that Lady Franklin had been to the Garden on that day and desired him not to send any more fruit and vegetables to me, to which he replied he could not comply with her Orders, without Sir John Franklin's direct authority, as I received them, of right, and not of favor, upon which she added, "you shall soon receive that."

On the following day I received the accompanying Note\* from Mr. Robertson acquainting me that he had had the Lieutenant Governor's Order not to send me anything more, until the Government House was abundantly supplied. He also called and informed me that Lady Franklin had again visited the Garden, and had ordered him to stop the supplies to every one who received them as a matter of favor. He added, that there was <sup>and</sup> abundance in so good and large a Garden, for every one, but as he was sure from Lady Franklin's manner while speaking of me to him, that she would remove him from his situation if he supplied

\* See Enclosure No 1 page 259 me

me, he hoped I should not be displeased with him for discontinuing it. As those whose supplies had been stopped, for the sake of appearances, received a similar explanation from Mr. Herbertson, there is nothing extraordinary that the affair became publicly known and found its way into the Chronicle Newspaper. For my own part I cared so little about it that I did not even repeat what had occurred to myself, as I was quite sure Sir John Franklin was as ignorant of that proceeding as he was, the year before, when Lady Franklin acted in a similar manner to Mr. Gregory a few days before he was suspended from his Office. I know Lady Franklin's character too well to be surprised or annoyed, at any thing she did, nor was I without experience of her use of "despicable trifles."

I can assure Lord Stanley, that it pains me to be obliged to introduce the name of Lady Franklin at all, and although in my first communication to his Lordship of the 24<sup>th</sup> of June I might, and I believe I ought, for any defence to have introduced it very largely,  
yet



yet I did so as sparingly as I possibly could. Her interference however, in every thing is so great, and her mode of proceeding so extraordinary, that there is scarcely any subject she is not so prominently conspicuous in as to render it unavoidable.

I shall conclude this narrative by assuring Lord Stanley, that I had no communication direct, or indirect, with the Editor of Van Diemens Land Chronicle respecting the Government Garden. I know not from whom or how he obtained his information, and I can equally assure his Lordship, that so far from considering the Garden an "important point," I never have before alluded to it in any way, and never should have done so but for this reference.

The "Van Diemens Land Chronicle" of the 28<sup>th</sup> January which contained the Article about the Government Garden, contained likewise many other statements respecting me and my suspension from Office, and though that Print appeared to be my Advocate, it was evidently, most injurious to me. As soon as

I read it, and knowing as I well did, the influences at work to prejudice Sir John Franklin's mind against me, I requested Dr Turnbull the Colonial Treasurer, to wait upon him, and assure him upon my honor as a gentleman, that I had nothing to do, either directly or indirectly, with the Articles, that I deemed them to be injurious to me, that I was much concerned at them and that I felt they wanted anything but a friendly consideration towards me by that Editor. By Dr Turnbull's Note upon this subject, which I enclose, Lord Stanley will perceive that he strictly complied with my request and as he informed me that Sir John Franklin was much pleased with me for the communication and expressed himself perfectly satisfied, I confess I was not prepared, to find he had consented to that Article being introduced in his Despatch as a charge against me after my departure from the Colony, and the more so, when I remember, that I remained in Office five and in the Colony twelve days after that publication, affording him, thereby, not only further time for enquiry, but me the opportunity

\* See Enclosure No 2 page 253 of

of adducing evidence to protect myself from any unfavorable suspicion imparted to him, an opportunity to which I, confidently submit, impartiality and candour fairly and fully entitled me.

In his Despatch, N<sup>o</sup> 3, Sir John Franklin draws Lord Stanley's attention to the fact "that on the day of publication which immediately followed his communication to me despatching" with my further Services, the Newspaper of that "day announced the event in the words of his Memorandum though the Draft of it remained" "locked up in his Office," and that the Evening Papers of the following day, contained the Correspondence, "evidently compiled from the Papers themselves" and he particularly instances the "Courier" and "Morning Review," and then refers to the remarkable fact of "all the Editors having free access to all the Papers."

Lord Stanley will no doubt have perceived that Sir John Franklin is not made to state in his Despatch that I have placed these Documents in the hands of the Editors, nor that they have been so placed there through my means, such a Statement he would not have ventured upon. He knew, and every one who knew me in the Colony knew that I was incapable of it. It is however, insinuated

insinuated, and from the ingenuity of the wording, would, doubtless, convey that idea to my reader's minds.

I do however, assure Lord Stanley upon my honor and word, that there is no foundation for that insinuation against me. The Documents were never out of my possession excepting to copy, or when I placed them in the hands of a few of my particular and intimate friends to peruse. The Public Officers were so dismayed at my suspension, and of the reports in circulation respecting the cause of it, that many of them called and requested me to allow them to peruse the papers, to which I consented and they, generally, read them in my presence, and one of my friends, afterwards drew up the outline of the Article which is published in the "Courier" of the 14<sup>th</sup> of February, and which, as it contains no comment, nor anything disrespectful either to Sir John Franklin or his Government, but merely, a tolerably, correct outline of the events as they occurred, and were, by that time, generally known in Adams Town, it appeared me to be so unobjectionable, that I have not hesitated to have a few Copies of it printed off for the information of my relatives

and

and friends in this Country. For Lord Stanley's consideration I enclose one Copy, <sup>†</sup> and I trust his Lordship will not object to the use I should have made of it, when he reflects what must have been my feelings, on arriving in this Country, suspended from an Office I had held with honor, and credit for so many years. That the particulars of all the Papers should have transpired publicly, Lord Stanley will not wonder at when I assure him, that the contents of almost every Document upon this subject, which I received from Sir John Franklin or his private Secretary, were known out of doors before they were known to myself. I pledge him my honor that, I heard the nature, and sometimes the exact words of his communications to me, hours before I received them, and I was informed by several persons that they had received their information, or read the Papers, through the medium of Lady Franklin's friends.

My suspension from Office, and the reason for it, as well as the contents of the Correspondence were publicly talked of and Mr. Boyes was named as my successor, a fortnight before it occurred, and I think you will find them alluded to in some of the Colonial Newspapers.

† See Enclosure No 3 page 261

23

"The Morning Advertiser" "The Colonial Times" and "The Robert Town Advertiser," all of which Papers were, notoriously, under the control of Mr. Gregson, a particular friend of Lady Franklin's. During the time of my correspondence with Sir John Franklin which terminated in my suspension from Office, I myself, saw Mr. Gregson, very often, almost daily, at the Government House. His frequent and long visits to her Ladyship were remarked by every one, and through him and Lady Franklin's Medical Attendant, every thing transpired to which I have referred.

Lady Franklin was a constant Visitor at Mr. Gregson's and his Daughter lived very much with her at Government House. She had been there several Weeks when I left the Colony. Mr. Gregson's character is, I believe, pretty well known at the Colonial Office.

One of the Newspapers I have referred to, "The Robert Town Advertiser" passed from the hands of Mr. Abbott, shortly before my removal from Office into Lady Franklin's, who I was informed upon very good authority, because the purchaser although the ostensible Proprietor is a Mr. Wilson, an Insubstantial, and a most intimate

intimate and inseparable friend of Mr. Greyson's I cannot of course, vouch for the correctness of the information but I believe it to be quite true, and so general is this belief in the Colony, that the "Hobart Town Advertiser" is there always designated "Lady Franklin's Paper." If Lord Stanley would refer to some recent Numbers of it, he would find its contents, on the affairs of the Local Government, will bear out this belief. A remarkable instance of it is to be found in the Paper of the 8<sup>th</sup> of last March, (which I beg to inclose<sup>\*</sup>) relation to the Spire to Saint George's Church.

Upon that subject Sir John Franklin's Despatches were lately referred to me by Lord Stanley. That Newspaper Article is so similar in argument, assertions, and details to the Despatches, and corresponds so exactly, with them when referring to dates, or sums of money, as to lead to the opinion that the same hand must have written both.

I beg to apologize to you for this digression, but I have felt it due to myself to point out, that the Editors of the Local Newspapers have had abundant means of information without coming to me for aid. Lady

\* See Enclosure No 4 page 263

Franklin's

Lady Franklin's connection with the Press has never been doubted since her arrival in Van Diemen's Land. I and many others, could adduce sound remarkable and not very creditable instances of it. Many Articles which have appeared against myself to prejudice Sir John Franklin and the Public mind against me, were, I am morally certain, from her Pen. They began at the time of Dr. Coverdale's restoration, and have been since continued almost uninterruptedly. In so small a Community, the most secret proceedings of persons in high places, cannot be long concealed.

I have been unwilling to recount the devices, it was well known to myself and others, Lady Franklin resorted to, to make it appear that the Public business was impeded, and that there was a public misunderstanding between Sir John Franklin and me, after I had mentioned her name to him on the 26<sup>th</sup> of October upon Dr. Coverdale's restoration. Nor do I desire to expose the attempts she has evidently made to hold me responsible for acts performed through her Instrumentality. Some of these attempts extending even to Newspaper Articles. Nor will I allude to her interference in Public Matters, beyond what is necessary



necessary for my own exculpation. I trust, however, I have said enough to show, that there is nothing extraordinary in a Newspaper announcing my suspension from Office, "on the" "day of Publication which immediately followed" "Sir John Franklin's communication to me." "Though the Draft of it remained locked up in" "his Office." It is however, very remarkable, that the first Paper (The Morning Paper) to which Sir John Franklin's Despatch refers, which he states, contained "the words of his Memorandum" is (Lady Franklin's Paper) the "Hobart Town Advertiser: the name of which is, however, not mentioned in the Despatch. Indeed the introduction of "the words of his Memorandum" in that Paper now appears to have been for an entirely object. Sir John Franklin's communication to me, dispensing with my further Services is dated the 1<sup>st</sup> February and the "Clarion" and "Murray's Review" were not printed till the Evening of the 14<sup>th</sup>. There can therefore be no good reason for supposing that their Editors would not hear that, which every person was talking about.

Being anxious to point out to Lord Stanley, that the contents of Documents from

Sir

Sir John Franklin to myself, in which Lady Franklin was interested became known to the Public before I received them, I would request to draw his attention to the accompanying number of the "Hobart Town Advertiser" of the 22<sup>d</sup> October last, announcing D<sup>r</sup> Courvaldes restoration to Office. That Paper was published and delivered in every part of Hobart Town before 8 O'clock A. M. on that day, and I ascertained, that it was, invariably, printed the night before Publication. Sir John Franklin's final instruction to me to restore D<sup>r</sup> Courvaldes, was not received by me until half past 6 O'clock of the Evening of the 21<sup>st</sup> (as Lord Stanley will perceive by the original Document which I enclose) and from enquiry which I made officially through the Assistant Colonial Secretary, I discovered that the Article in question, in that Newspaper was in type at 3 O'clock P. M. on the 21<sup>st</sup> October; three hours and a half before I received Sir John Franklin's instruction!!

Something more is intended against me than is expressed by Sir John Franklin's remark

"The Courier" at this moment is forced  
for reasons which I need not trouble your

Y<sup>rs</sup> See Enclosure No 5 page 263 Lordship

"Lordship with here, with the profitable"  
 "monopoly of the Commissariat Tenders." Whether  
 it is intended to insinuate, that I have acted  
 corruptly to procure that monopoly for the  
 "Courier", or whether it is intended to infer  
 that I am in some way interested in procuring  
 it for the "Courier", or that I have favoured  
 the "Courier" to enable me to exercise an  
 influence over its Columns, I know not.  
 Fortunately, I can repel and destroy the unjust  
 insinuation to whatever it may point, by  
 the most conclusive and direct testimony.

The enclosed Document, duly certified  
 by the Assistant Colonial Secretary contains  
 a copy of a Letter from Mr. Elliston the  
 Proprietor of the "Courier" dated the 14<sup>th</sup> Dec<sup>r</sup>  
 1841. submitting his terms for printing the  
 Commissariat Advertisements. Upon it is the  
 recommendation of the Assistant Commissary  
 General in charge, to accept his offer without  
 resorting to public competition. Next follows a  
 long Memorandum from me to Sir John Franklin  
 dated the 30<sup>th</sup> of December pointing out the advantage  
 of public competition and suggesting the expediency  
 of the measure No 6 page 267 of

of resorting to it in this instance, and lastly  
 there will be found Sir John Franklin's  
 approval of Mr. Elliston's terms, without competition.  
 I trust Lord Stanley will do me the honor  
 to peruse this Document, which will, I am  
 satisfied, fully and effectually exonerate me  
 from any participation in the monopoly "the  
 "Commer" has been favored with, or of acting  
 towards the Proprietor of that Paper, with  
 any sinister views for my own advantage  
 or benefit in any way.

With respect to "Murray's Review" I  
 need, I trust, only assure Lord Stanley,  
 that neither directly or indirectly, nor in  
 any manner whatever, have I communicated  
 with its Editor upon any Article which his  
 Paper has contained, and how and from whom  
 he obtained the information which his Paper  
 contained respecting Sir John Franklin, and myself,  
 I solemnly assert I know not.

Upon Sir John Franklin's Despatch, No. 7  
 my observations will be short. In it, he brings  
 under Lord Stanley's attention this circumstance  
 that the Rev. Mr. Aspland wrote to me on  
 the

the 7<sup>th</sup> of February, which Letter I received on the 8<sup>th</sup>. That I replied to it on the same day, but that he could not have received my answer until the 9<sup>th</sup>. He then states, "I have reason to believe Mr. Aislaby" "did not communicate with Hobart Town" "subsequently to the receipt of that Letter, yet," "in the Chronicle of the 11<sup>th</sup> is published the substance of Mr. Montagu's reply to Mr. Aislaby," and adds, "This circumstance appears to me" "so strongly indicative of the use made by Mr. Montagu of the Press, that, I deem it proper" "to bring it under your Lordships attention."

If Sir John Franklin's Despatches had stated all the facts in this case, the inference he has drawn could not have been attempted. It is only by withholding a part of them that the application of it, to me, can be made to appear, I will, however, supply the deficiency. By perusing Mr. Aislaby's original Letter to me of the 7<sup>th</sup> of February, which with my reply to it I enclose, Lord Stanley will perceive, that Mr. Aislaby sent

X see Enclosure No 7 page 271 Sir

Sir John Franklin a Copy of his Letter, at the same time that he sent the original to myself, and his Lordship, will, also, perceive that I sent Sir John Franklin a Copy of my reply to Mr. Aislaby, on the day it was written, viz<sup>t</sup> the 8<sup>th</sup> of February. The substance of those Letters was repeated on that day by Lady Franklin's friends to some friends of mine, before they heard of them from myself, and I have reason to know that Sir John Franklin on that same day repeated the substance of them, likewise, a circumstance he has, evidently, forgotten. With this explanation Lord Stanley will, I trust, be satisfied that there is nothing extraordinary that the substance of the Letters which were publicly talked about in Hobart Town on the 8<sup>th</sup> of February, should have appeared in the Chronicle of the 11<sup>th</sup> of that Month.

To the reference made by Sir John Franklin in the Despatch, N<sup>o</sup> 7, to Murray's

Review

Review" and "the several other Papers" which he has transmitted, I can only repeat my assurance to Lord Stanley, that I had nothing whatever to do with them and the Articles they contain. They are all dated the 11<sup>th</sup> and 18<sup>th</sup> of February. I embarked on the night of the 9<sup>th</sup> and sailed at daylight on the 10<sup>th</sup>, and I can assure his Lordship, that during the few days I remained in Hobart Town after my suspension from Office, I was too much occupied in preparing for my Voyage, to attend to Newspaper controversy.

I will take advantage of this opportunity to assure Lord Stanley, that I am not, and never have been, in any manner concerned, or interested, in any Newspaper in Van Diemen's Land. I have never written or afforded information to any, excepting such Articles as Sir John Franklin requested me to have published and which I have always given as a matter of duty and not inclination, and these facts are so well known

to

to Sir John Franklin, and to every one who had the means of looking into my conduct and proceedings in Van Diemen's Land, that no credence could, I am positive, be there obtained to a contrary statement.

Sir John Franklin's Despatch, N<sup>o</sup> 7 concludes by admitting that his Private Secretary sent communications, for insertion in the Van Diemen's Land Chronicle, in the 2<sup>d</sup> 15<sup>th</sup> and 17<sup>th</sup> numbers of that Newspaper. I was aware that he had done so, but not through the Editor.

He refused to give me any information when I applied to him for it through a friend, alleging that the Private Secretary's communications were all marked "confidential". There were, however, more than the three the Private Secretary has acknowledged to Sir John Franklin, I feel no doubt whatever, was not cognizant of those communications excepting the first. Although not immediately relating to the object of your communication to me, I trust Lord Stanley will excuse me for submitting a few observations on these admissions as they will



will tend to elucidate other statements  
 I have had the honor to submit to  
 him. The first communication is inserted  
 in the 2.<sup>d</sup> Number, the 30.<sup>th</sup> of July. It is  
 a Letter from Count Skulski to Sir  
 John Franklin on Irrigation. From that  
 time until the 5.<sup>th</sup> of November (N. 16)  
 no further communication was made from  
 Government House to the Chronicle. This  
 fact tends I submit to prove the correctness  
 of the statement in my Letter to Lord  
 Stanley of the 24.<sup>th</sup> of June (Paragraphs  
 21 and 22) that after the Editor of that  
 Paper, inserted a certain Return in his  
 Paper of the 6.<sup>th</sup> of August last, Sir John  
 Franklin discontinued his communications to  
 that Paper. But the time of a revival of  
 those communications is very remarkable. It  
 will be seen by the numbers from 12 to  
 15 of the Chronicle (from 8.<sup>th</sup> to 29.<sup>th</sup> October)  
 that the Editors remarks are pretty stringent  
 against Sir John Franklin and myself upon  
 the subject of Captain Cheynes suspension from  
 the

the Office of Director General of Roads and Bridges. Up to that time communications had not been received from the Government House. On the 26<sup>th</sup> of October my conversation occurred with Sir John Franklin respecting Dr Coverdale's restoration, when Lady Franklin's name was mentioned by me. On the 5<sup>th</sup> of November the Private Secretary's communication to the Chronicle (N.º 13) appeared. It occupies two whole Columns. It is in "Memorism," and as that Article had been previously shown to many persons by Lady Franklin, who had, but recently, received it from a Lady in London, it was of course, recognized in the Chronicle. Such a Publication in a large Community would not have any effect, but in a small one, such as that of Hobart Town, where trifles are important, and where they indicate the opinions or feelings, more particularly, of influential persons, they are diligently watched. It was so with the Article in question. For some days preceding it, rumours had been afloat, of communications having

having been carried on between Lady Franklin  
 and Captain Chayne, through the medium  
 of Mr. Gregson, and it was confidently  
 asserted by Capt.<sup>n</sup> Chayne and his "Friends",  
 that Sir John Franklin knew nothing of  
 the grounds of his removal from Office. That  
 it had been effected by me, and that I, alone  
 was responsible for that Act, and this  
 rumour received confirmation from the fact  
 that a long Article to that effect appeared  
 in the "Chronicle" of the 5<sup>th</sup> of Nov.<sup>r</sup> (1846)  
 at the same moment as Lady Franklin's  
 Article on "Memorism," and holding me  
 up to public odium for my conduct in that  
 case. To that Article I would respectfully  
 request Lord Stanley's attention, and in order  
 to point out how completely Capt.<sup>n</sup> Chayne  
 adopted those sentiments, his Lordship will  
 find, by the accompanying Pamphlet published  
 by Captain Chayne, containing the Correspondence  
 (upon his loss of Office) between  
 him and myself. That he had the whole  
 Article reprinted, uniformly, with that Correspondence  
 and stitched up with it in his Pamphlet for  
 \* see page 291

*distinction*

distribution. His Letters of the 17<sup>th</sup> and  
 18<sup>th</sup> Decr 1841, addressed to the Secretary  
 of State and Sir John Franklin's Private  
 Secretary, which were lately referred to me  
 with Sir John Franklin's Despatches respect-  
 ing the Spire of St. Georges Church, are  
 much to the same effect as the Chronicle  
 Article, although it will be seen that the  
 copy of his Pamphlet which accompanied  
 them, does not contain that "Article". As if  
 however, to leave no doubt on the public  
 mind, that Lady Franklin's patronage was  
 to be extended to the "Chronicle" for that  
 Journal's espousal of Capt. O'Byrne's cause,  
 and reprobation of me, the next Number  
 (17<sup>th</sup>) of the 12<sup>th</sup> of November contained  
 another Article of Six Columns from the  
 Private Secretary being a "Review of the"  
 "Tasmanian Journal" and as every one knew  
 Lady Franklin's close connexion and deep  
 interest in the Journal, it was as well  
 known that the Article came from her Pen,  
 as if her name had been openly attached  
 to it, and, of course it produced the intended  
 effect

effect. But this is not all. I hope Lord Stanley will compare the conduct of the Private Secretary on that occasion, with that of two months afterwards, when he wrote his "strictly personal Letters" to me, containing his sentiments, that, "respect for the" "Lieutenant Governor no less than the loyalty" "which he owes to Her Majesty's Representative" "two demands that his conduct should be" "above suspicion". Can any Article be more derogatory to his Government or insulting to Sir John Franklin personally, than that in the "Chronicle" of the 5<sup>th</sup> of Nov<sup>r</sup> and yet, one week afterwards the Private Secretary sent an Article of six Columns for insertion in that very Paper!! Is that not sufficient to excite suspicion? Does that evince either respect or loyalty? and Lord Stanley will I am sure, not fail to remark the inconsistency. Sir John Franklin has himself fallen into, by permitting such an occurrence to pass unnoticed, while he called upon me on the 11<sup>th</sup> of the following January to know what steps I had taken to assert the Dignity of his

his Government in regard to some objectionable Articles in that very Newspaper, which he suspected (consciously as I have proved) I was in some way concerned in, and with all these facts before him, how, I would take leave to ask, <sup>how</sup> ~~are~~ Sir John Franklin's sentiments to be understood of "unqualified approbation" of Mr. Henslow's conduct "his deep regard for the honor of my Government," and his other praises of that Gentleman's conduct for having violated his engagement in using Officially, his "strictly personal Letters." My observations will I confidently trust, convince Lord Stanley that I had no communication with the Editors of the Local Newspapers of Van Diemen's Land, after my suspension from Office, with reference to my differences with Sir John Franklin, nor upon any other subject, and under this feeling I ought, perhaps, to close my Letter, but there is a circumstance yet unexplained, upon which I will venture to add a few words.

It has pained me to know what attempts have

have been made to impress Lord Stanley's mind, that I have endeavoured to use the Press to aid my Cause;—that my Cause has been taken up and treated in the Colony as a Party question;—that a faction or as it has been denominated "An Arthur Clive" of which I am stated to be the head, had harrassed Sir John Franklin's Government, and which he could only relieve himself of by removing me from Office; together with similar statements, all tending to my prejudice, and to assign grounds to justify my removal, which had not been thought of when that step was taken against me. But, I can assure his Lordship, that there is no truth, whatever, in such statements, and I sincerely trust the explanations I have been enabled to afford, and the Documents I have submitted, particularly the Extracts of and Letters from Sir John Franklin to myself, will defend me with his Lordship from such imputations. That much excitement prevailed in the Colony, and that the Public Officers were much alarmed when my sudden suspension

was announced, I will not pretend to deny;—Not however, from Party feeling, for there was no party in existence, but because there suddenly arose a feeling that I, who had been narrowly watched in my public and private capacity for eighteen years, had been subjected to harsh treatment effected by means which no one approved.

I saw the use that might be made of such a feeling to injure me (and which the "Hobart Town Advertiser" did not fail to lay hold of) and I employed every means within my power to allay it. If my desire had been to promote agitation, I could soon have fanned that feeling into a flame. My every wish was otherwise. Although I felt aggrieved, I was silent, and in proof of my sincerity, I would remind Lord Stanley that I declined to receive a Public address most numerous and influentially signed, with a very large subscription for a Service of Plates. I also declined to attend a Public Dinner, given to Mr. McLaughlan, a Member of Council, on the 14<sup>th</sup> of



of February, at which it will be seen by the enclosed Note, I had, six weeks before, been requested to take the Chair, and although I feel most reluctant to use Notes addressed to me, intended for my own eye only, I trust I may be excused (at this distance from other testimony) for submitting Extracts from twenty (taken from a much larger number) which I received from all Classes of persons in every part of the Colony immediately my suspension from Office became known to them, but to none of which did I reply, for the express purpose of allowing the generous feeling for me to subside.

These and many other circumstances which I could bring forward if necessary, will I trust satisfy Lord Stanley, that such accusations as I have referred to, are without foundation and although I regret that so much trouble has been occasioned to his Lordship and yourself, I cannot but again express my obligation, for the opportunity I

\* in Enclosure no 8 page 260      had  
 0 in Enclosure no 9 page 275

have been so kindly afforded for defending  
myself.

I have &c

(Signed) John Montague.

(Referred to at page 230)

Enclosure No 1

January 15<sup>th</sup> 1842

I am directed by His Excellency  
order to give no vegetables or fruit until  
they are abundantly supplied at Govt House  
I have sent you Mushrooms one box 15  
Apples as they are abundant.

Capt. Montague

A. Herberton.

(Referred to at Page 233)

Enclosure No 2.

Treasurer,

28<sup>th</sup> Jan<sup>y</sup> 1842

My Dear Montague,

I have just seen the Lieut.  
Governor. I communicated to His Excellency  
what you requested me - namely that on your  
Honour as a Gentleman you had nothing  
to do directly or indirectly with the article  
in last night's Chronicle - That you deem  
it to be injurious to you and evidence  
of any thing but friendly consideration on  
the part of its Author, and that it has  
given you extreme concern -

Yours Sincerely  
Adam Turnbull.

(Reference to int page 255)  
Enclosure no 8

24<sup>th</sup> Decr 1841.

My dear Montagu

It is proposed to give  
Mr Lachlan a dinner before he leaves the  
Colony but before doing anything in the matter  
I have been requested to ask you if you  
would join in paying the Compliment to  
Mr Lachlan and taking the Chair on the  
occasion. —

Yours truly  
Signed, C. Swanston

J. Montagu Esq<sup>r</sup>

201

Enclosure No 3

(Reference to at Page 236)

The Honorable Secretary of War  
From Bureau of U. S. Army  
10/11/11 to the President in honor —

(Referred to at page 241)

263

Enclosure No 5

Extract from the "Hobart  
Town Advertiser," Dated  
October 22<sup>d</sup> 1841.

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"Dr. Corbridge. We are happy to announce  
that this gentleman has been appointed in  
the Office of District Surgeon for the  
Richmond District. This news will  
please his friends in that quarter."

(Referred to at page 238)

Extract from the "Hobart  
Town Advertiser," Dated  
8<sup>th</sup> March 1842.

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Enclosure No 4

"As the circumstances under which the  
Spire of St George's Church has been discovered  
are not generally known, and have been made  
the subject of injurious remark and calumny,  
we have taken some pains to ascertain the  
exact particulars of the case; we can vouch  
for their accuracy."

Yours truly,  
Wm. H. H. H.

"Some of the Parishioners of St Georges or "  
 "Quenberton Parish conceived the project of "  
 "adding to the old Tower a Spire to contain "  
 "a Peal of Bells, which they intended to "  
 "purchase. They accordingly created themselves "  
 "to procure stones, and having done so, applied "  
 "to His Excellency for assistance from Govt. "  
 "in the shape of Stone, Timber, and Labor. "  
 "Being informed that the expense of this "  
 "assistance would probably amount to \$120, "  
 "or \$130, certainly not to exceed \$150, His "  
 "Excellency, on the 24<sup>th</sup> February acceded to the "  
 "request submitted to him by the Churchwardens "  
 "and Parishioners. On the 5<sup>th</sup> March the "  
 "Plan of the Spire was laid before His Excellency, "  
 "and received his approbation. The more so as it "  
 "was plain and pointed, and thus affected a good "  
 "mark seaward. His Excellency subscribed "  
 "to the erection of the Spire, as did Lady "  
 "Franklin for the Bells. In the Month of "  
 "May he learned that it was necessary to take "  
 "down and rebuild the old Tower. Believing "  
 "however, that the increased expense would be "  
 "trifling, His Excellency did not interfere in "  
 "the matter.

"As soon however as the Tower had been "  
 "pulled down, a Plan altogether new was so- "  
 "signed, according to which, the body of the "

"Church was to be carried out considerably to-  
 "wards the north with a handsome Porch - a-  
 "very expensive embellishment was to be added to  
 "the unsightly roof of the original  
 "Building - and the pointed Spire which  
 "had been a chief recommendation in obtaining  
 "Government assistance for the building,  
 "was converted into a massive ornamented  
 "Tower. These new Plans were never seen by  
 "His Excellency, until the work had been  
 "carried on for Six months, nor were his suspi-  
 "cious of the very improper use made of his approval  
 "for Government assistance, in the erection of a  
 "simple Spire, existed until very lately, and  
 "then upon discovering what was going on, the  
 "Work was immediately ordered to be suspended.

"The estimate of the Spire was £260,  
 "of which the Share to be borne by Government  
 "would have been something less than £150.

"The estimate for the Stone alone, re-  
 "quired for the alteration subsequently designed,  
 "amounted in the first instance to £2150,  
 "but was afterwards reduced to £2000.

"How the Lieutenant Governor is to  
 "be blamed in this instance we really cannot at  
 "all perceive.

"He assisted them with a certain amount  
 "of labor and materials, but when their com-



"tion and, we must say, good taste prompted"  
 "them to much more extensive improvements,"  
 "they should at least have submitted them to"  
 "His Excellency's approbation. Or was it that"  
 "certain of being refused their unreasonable "  
 "requests they trusted to his being kept in "  
 "ignorance of the proceedings until the expense "  
 "was incurred? Surely there must have "  
 "been gross negligence or worse, to have allowed "  
 "such a total change to have taken place "  
 "without any communication with the head of "  
 "the Government. Some public explanation is "  
 "required from those who had the immediate "  
 "management of the building."

Sir

I beg to notify to you that the insertion of the Commissarial advertisements in the Courier Newspaper will after the expiration of the present month be charged upon the following scale, viz:

Two shillings and six pence for the first inch and eighteen pence for each additional inch.

This scale will be found in effect to lower the present charge for the Commissarial advertisements very considerably, and when it is remembered that the Courier Newspaper has the largest circulation of any in the Colony, it being the oldest established, and also the medium through which the Commissarial and Government notices have from the earliest period of Colonial history, been promulgated, it is presumed that no further observation is necessary to point out the decided advantage of continuing to insert the Commissarial Notices in the Journal by which they have been hitherto always announced to the public.

I have the honor to be

Sir

Yours obed<sup>t</sup> Serv<sup>t</sup>

(signed) Wm. Gore Bliston

Example

An Advertisement in the "Advertiser" and other papers which would occupy 9 inches of their columns would cost — 14. 6

published twice a week . 14. 6

per Week £ 1. 9. 0

An Advertisement which occupies 9 inches in the "Advertiser" would only occupy in the Courier 7 inches and therefore only cost 13. 0

Difference per Week. — 16.

the Courier being only published once which is however

(sufficient

sufficient owing to its extended circulation. —

The annual Commissariat advertisement for supplies will  
cost in the Courier each insertion ————— £3. 16. 0

The 4 insertions which is considered sufficient £15. 4. 0

The first year I was here I invited competition for the  
annual Notice which had previously been charged at £50. 0. 0  
and the Courier obtained it at £14 for three insertions or  
for four as above ————— £18. 13. 4

Difference £3. 4. 4

(signed) Geo Maclean  
a.c.g.

It being absolutely requisite to employ a Newspaper for the  
Commissariat advertisements, in addition to the Gazette as stated  
by me in my correspondence with the Colonial Secretary  
on a former occasion respecting printing, I recommended the  
acceptance of this offer as one in every respect eligible for the  
public interest the Courier having a more extended circulation  
than any other Colonial print, and the scale of charges is  
comparatively lower than that of other papers, inasmuch  
as the Columns of the Courier are wider and closer printed.

When Tenders invited by public competition some  
of the proprietors of the other papers would perhaps offer a  
lower rate merely for the sake of opposition, but in the  
Courier, in addition to the advantages I have already  
enumerated is considered the most respectable public print  
in circulation, was formerly the Government paper, and has  
always been employed for Commissariat advertisements. —  
I do not see any advantage which could be gained by resorting  
to public competition in this instance, altho in other respects  
desirable, and I have therefore no hesitation in recommending

M.

209

Mr. Elliston's present offer for His Excellency the Lt. Governor's approval in preference to any other that might be made however low. —

(signed) Geo. Maclean  
at Y.

Submitted for instructions

Mr. Maclean is undoubtedly right in recommending for adoption the course he may deem most conducive to the good of the public service but it remains for consideration whether it should not first be ascertained, by adopting the usual, and to the Community generally the more satisfactory course of leaving the Commissariat printing open to public competition, that as low a tender can be obtained from Mr. Elliston as any other proprietor of a Press in the Colony. When Tenders are sent in the Government is not bound to accept the lowest, and it will not be too late — after they have been received — to adopt the plan now proposed, if it be considered the most advantageous.

(signed) John Montagu.

30<sup>th</sup> December 1841.

To the Lt. Secy.

This is a matter resting principally with the Commissariat, and I think Mr. Maclean's reasons sufficiently strong in favor of the latter as to receive my approval

(signed) John Franklin

31<sup>st</sup> December 1841.

Certified to be true copies. — W. P. Mitchell ass. Lt. Secy.

(Preserved to at page 244)  
Enclosure No 7  
Richmond 7<sup>th</sup> February 1842

My dear Sir,

I think it due to Sir John Franklin and to Yourself that an error in the Courier of the 4<sup>th</sup> inst should be immediately corrected by me.

That paper contains that "In the beginning of October Sir" "John & Lady Franklin went to the Richmond District, where" "her Ladyship remained several days, and during this period" "a private petition was got up to restore Dr. Coverdale."

It is untrue that a petition was got up during Lady Franklin's stay in the District, and equally untrue that Lady Franklin had any thing to do with it or that I with whom the letter originated took my idea from any other person.

I will relate all I know about it. We heard that Sir John Franklin would stay in Richmond 3 hours on his way to Mr. Parson's, when however I proceeded to the Inn, intending to pay my respects to him and if possible to speak to him concerning Dr. Coverdale's case, I found that he had passed on. I afterwards saw Lady Franklin once who honoured me with a morning visit; — Dr. Coverdale's case was not mentioned. —

I had not formed any further intention on the matter until one evening something led me to ask, or Dr. Coverdale to offer a perusal of the papers referring to it. — Having perused them, without making known my intention to any person, I proceeded to Hobart Town the following morning, when His Excellency granted me an interview and at its conclusion told me that he would see the principal Medical Officer. — I believe this was on the 13<sup>th</sup> October for on the 14<sup>th</sup> of that month I wrote and procured signatures to the letter requesting the reinstatement of Dr. Coverdale. —

To John Montagu Esq.

Answer

Hence you see how greatly the writer in the *Courier* must have been misinformed as to the date and origin of the letter and how false his position that "the correspondence" which ensued upon the subject of necessity caused the "name of Lady Franklin to be introduced." —

I feel certain that justice to all parties demands the earliest possible refutation of the statement in the *Courier* of the 4<sup>th</sup> inst. I shall therefore send a copy of it for the information of His Excellency the Lieutenant Governor. —

I remain Dear Sir

Yours very truly

W. J. Aislake

Newlands 8<sup>th</sup> Feby 1842

My dear Sir,

I beg to acknowledge your letter of yesterday. — For the statements in the *Courier*, or in any other newspaper, I am not responsible, and should not have noticed that to which you allude, but I feel I am bound to notice a statement from yourself, and to inform you that I, as well as others, have read in Lady Franklin's handwriting that she did suggest to Mrs. Parsons the private petition in Dr. Courdalis's case, and you are aware that a private petition was subsequently adopted and succeeded. — In making this announcement I beg you will understand that I have no intention of impugning your statement of your own conduct, which I have no doubt is correctly given, and you will perceive that yours is not inconsistent with Lady Franklin's account of her own, upon the subject of the petition. —

As you have forwarded a copy of your letter to Sir John Franklin, I shall follow your example and send His Excellency a copy of this note. —

I remain &c.

John Montague.

(signs)

The Rev.

W. J. Aislake Richmond

270  
To His Excellency  
Sir John Franklin R.  
Sir,

Newlands 8<sup>th</sup> Febry 1842

The Rev. Mr. Airslake having acquainted me that he has transmitted to your Excellency a copy of a letter dated yesterday which he has addressed to me. I feel it to be right to furnish you with a copy of my reply to that Gentleman and which I have now the honor to enclose —

I have &c

(signed) John Montagu.

Memorandum

Immediately after I was suspended from Office I received (almost simultaneously) letters from all classes of persons from every part of the Colony expressing their opinions of me and of the treatment I had received from Sir John Franklin.

The accompanying extracts from a few of such letters are put together to show the sentiments of all classes, from the highest to the lowest, upon that event becoming known to them.

John Montagu  
10<sup>th</sup> August 1842

1<sup>st</sup> D. Turnbull Colonial Treasurer and a Member of the Executive Council.

"Permit me to avail myself of this opportunity of thanking you, which I do most heartily - for all the kindness which I have received at your hands, and for the support which I have uniformly derived from you in the discharge of my official duties, and to express my sincere regret that the qualifications for public business which you so largely possess and the unvarying zeal which has here given them so great a value, and so much efficiency should be lost even for a time to the public service."

"Let us however, my dear Friend duly learn to regard all events as ordered by the wisdom of a loving and all-powerful Father, and we shall not fail to extract sweetness even from the bitterest cup"

2<sup>nd</sup> Thomas Anstey Esq. Member of the Legislative Council

"I very heartily wish you success in the object which carries you to London. That you will obtain speedy redress."



is the opinion of every impartial person here. — The "atrocious and folly of the proceedings ending in your dismissal" did not much surprise me — for, years ago I discovered Sir "John Franklin to be as utterly wanting in moral power" "as in ability" —

### 3. D. Clarke Principal Medical Officer. —

"I am informed you return to England by the ship "Derwent" in which case I beg to introduce to you Mr. Berncastle "a Medical Gentleman of most respectable qualifications, to "whom I offered here an Appointment which he finally refused, "he becomes a fellow passenger. I have impressed on him the "obligation he would confer on me by affording you and your "family every possible professional attention, and I am certain "of his doing so. I must not however allow you to depart — "without expressing my warm acknowledgments for the kind "and cordial support you always afforded me in the — "performance of my official duties." —

### 4. Captain North Director General of Roads and Bridges. —

"I have just arrived here, when the news of your "suspension from Office (which had reached me at Perth) "was confirmed by Forster — I need not tell you how — "much I feel the treatment you have experienced, although "there can be no doubt as to its ultimate result (viz your "reinstatement and compensation) still the great annoyance "you will be subjected to, and the inconvenience attending your "hasty departure, the shameful treatment you have received "after so many years hard work are sufficient in truth "to make all your friends feel most indignant, and most "sincerely warm in your cause. — As one of your friends"

"I feel most sorrowful; in fact I am so cut up by it that"  
"I hardly know what I am writing".

5.<sup>th</sup> Thomas Mason Esq. Police Magistrate of New Norfolk District. —

"I had hoped to have seen you again on Saturday"  
"but hear that you will really sail on Thursday. May God"  
"speed you and quickly restore you to us." of such a "  
"result there can be no doubt in the mind of any "  
"unprejudiced person". —

6.<sup>th</sup> Mr. Power the Surveyor General. —

"May I beg of you to accept my best thanks for your "  
"uniform kindness and attention since my arrival here "  
"and be assured that I most deeply regret your departure "  
"both on public and private grounds, and our official "  
"intercourse warrants my adding my small meed of "  
"admiration as to the manner in which the duties of your "  
"office were conducted."

7.<sup>th</sup> W.<sup>m</sup> Noyes Esq. assistant Police Magistrate Waterloo Point. —

"That I feel truly sorry at the event I need not, "  
"I hope, assure you; — I do indeed feel the deepest regret."  
"From you I have ever received much personal kindness "  
"and support in my official capacity. Were I therefore alone "  
"actuated in my expressions of sorrow and concern by "  
"this injury to my interests which your departure so "  
"suddenly for England creates, still it would be natural, —

but

"but I assure you that my regret is more genuine, of a pure"  
 "and less selfish nature."

"I should like much to be able personally to bid you adieu"  
 "before you leave, but that is I am sorry to say quite impossible,"  
 "as just at this present moment I can get no person to —"  
 "undertake my duties. To know that the feeling of regret is"  
 "entertained very generally by the Community for what has"  
 "occurred, cannot fail to be gratifying to you, and to prove a"  
 "slight antidote to the annoyance you have experienced. —"  
 "I sincerely trust that you may be successful in your efforts,"  
 "and that untoward as the event has been, it may have the"  
 "effect of benefiting you eventually"

8<sup>th</sup> The Rev. Henry Fry, a Colonial Government  
 Chaplain, Church of England, (in letters to friends in  
 England). —

"Mr. Montagu who has been for several years Colonial"  
 "Secretary here, will deliver you this — Mr. Montagu has"  
 "been obliged to go to England having been suspended by Sir"  
 "John Franklin on the most trivial grounds. he has fallen"  
 "a victim to a system of mean and deceitful intrigues,"  
 "carried on by Lady Franklin and an unprincipled coterie"  
 "of flatterers. — But one opinion prevails on this subject"  
 "and when you hear that Mr. Montagu's suspension took"  
 "place without a definite charge being even brought against"  
 "him of any importance, and that the subject was not"  
 "considered in the Council, you will be able to judge of the"  
 "equity of the proceedings against him. — Since the death"  
 "of the Archbishop nothing has occurred which occasioned so"  
 "much regret in all ranks of people, for Mr. Montagu's"  
 "activity and zeal in advancing all the interests of the"  
 "Colony render him looked up to by all as deeply connected"  
 with

"with its welfare, and to see him and the colony sacrificed"  
"to female artifice excites universal indignation."

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9.<sup>th</sup> The Rev. E. Bageon a Colonial Government Chaplain  
of the Church of England. —

"You have the best wishes of all the good members of"  
"this Colony that your return may be as speedy as it will be"  
"successful."

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10.<sup>th</sup> Mr. Stenor the Crown Solicitor.

"It would be presumption in me to say or to do more"  
"than to wish you a safe, speedy and pleasant voyage from"  
"this Colony, and to reiterate that humble but sincere"  
"opinion that you leave it with the esteem, the gratitude,"  
"and adherence of every man of every party." —

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11.<sup>th</sup> J. Jannet ~~the~~ Superintendent of Point Stuer  
Establishment. —

"I have but just received the intelligence that you"  
"have temporarily ceased to hold office. I am quite convinced"  
"whatever circumstances may have originated this step"  
"that your honorable and intelligent conduct will be as"  
"highly estimated by others as by myself." —

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12.<sup>th</sup> Peter Roberts Esq Assistant-Commissary General

"I have heard with regret your removal from Office"  
"because I think the best interests of the Colony can only be"  
understood

"understood by long experience and practice independently  
"of ability."

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13.<sup>th</sup> G. Yeoland Esq. Assistant Commissary General.

"I have heard with much concern of your sudden"  
"removal from your high influential and important"  
"situation as Colonial Secretary which you have so long"  
"held to the satisfaction of the majority of the inhabitants"  
"of this interesting colony and the great benefit of the Crown"  
"to which it belongs, and most sincerely do I condole with"  
"you, under so painful an event, and I regret exceedingly"  
"with your numerous friends here (and I trust you will"  
"permit me as one of them) your immediate departure"  
"for England in the 'Calcutta' where I trust every satisfaction"  
"and justice will be afforded you." —

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14.<sup>th</sup> W. Clark Esq. Justice of the Peace, & retired  
Captain of the Army. —

"It is with much concern I learn from the papers"  
"that the colony is so soon to be deprived of your services,"  
"and under such circumstances too. From the knowledge"  
"I have of your wisdom and prudence I feel convinced you"  
"have not committed yourself in any way, but it appears"  
"notwithstanding your numerous friends, that you are not"  
"without enemies who have envied your high standing in"  
"the estimation of the Colonists in general, as evinced both"  
"on your departure, and more especially on your late"  
"return to resume the duties of your office." —

15<sup>th</sup> W. Keilley Esq. Justice of Peace - a retired Captain of the Army. —

"Reports have been in circulation for a considerable period that the Lieutenant Governor was about to incur the responsibility of suspending you from the situation of Colonial Secretary, and as the arrival of this day's Gazette has verified such reports I take this early opportunity of expressing how sincerely and deeply we regret the circumstance, and in doing so I utterly disclaim being actuated by any selfish or mercenary motive which I trust you will believe. In contemplating your departure from this Country (did I suppose it final) I would consider I was deprived of a kind and sincere friend, but with a firm conviction of your honor as a Gentleman, and your integrity as a high public officer. I look forward with confidence to the pleasure of seeing you return (should such be your wish) in the full enjoyment of the approbation of Her Majesty's Government and certainly to the satisfaction of the respectable portion of this Community." —

16<sup>th</sup> John Clark Esq. Justice of Peace, Many years the Assistant Police Magistrate of Hobart Town and Police Magistrate of Launceston. —

"I have just heard with feelings of unminged indignation of your suspension from your Office of Colonial Secretary: There is an old proverb about a man's building his house upon a foundation of sand. — but his knocking from under him his best prop — his rock in short — is more than full moon madness, too bad to be provoked against, Yet Sir John has done this in suspending you. — I really hardly know how to believe it to be true. Much indeed shall I regret the loss of you." —

17. <sup>th</sup> James Gibson Esq. Resident Director of the Van Diemen's Land Company. —

"It is I trust quite unnecessary for me to again "  
 "express the deep regret which I feel at your suspension "  
 "from Office. Sorry am I to lose the benefit of your "  
 "assistance as a friend, but your loss as a public Officer "  
 "I must deplore as a general calamity; I am quite "  
 "satisfied that this is the opinion of all who have the interests "  
 "of the Colony at heart, and I doubt not but you will carry "  
 "with you the estimation and regret of the majority of our "  
 "Community — I believe of all." —

18. <sup>th</sup> Mr Parker a senior Clerk in the Colonial Secretary's Office. —

"I assure you that I shall ever look back to my "  
 "connection with you (brief as it has been) with mingled "  
 "feelings of pleasure and regret, and I most earnestly hope "  
 "that my future conduct may always be regulated by "  
 "reverting to the example of one so universally esteemed in "  
 "private and public life as yourself." —

19. <sup>th</sup> Mr Cole a Government School Mistress in the Westbury District. —

"I fear you may think I take a very great liberty "  
 "in addressing you, but I cannot resist availing myself of the "  
 "last opportunity I may ever have of so doing. It is with sincere "  
 "regret I learn you are about to leave this Colony for England." —

20. <sup>th</sup> Mr W. Graham. Principal Keeper of Public Offices. —

"Expressions of regard from one humble individual "  
 "like myself can be of no value to you, but I have no hesitation "  
 "in saying (for I have the means of knowing) that your "  
 "departure is sincerely regretted by this community." —

Cheltenham

August 13<sup>th</sup> 1842.

Sir,

To that part of the Letter I had the honor to address to you on the 10<sup>th</sup> instant relative to Sir John Franklin's statement, that, because he had ascertained the Rev<sup>d</sup> Mr. Aislachie had not communicated with Robert Town between the 8<sup>th</sup> and 11<sup>th</sup> of Feb<sup>y</sup> he therefore inferred that I had caused the substance of my Letter of the 8<sup>th</sup> of that Month to be communicated to the Editor of the "Van Diemen's Land Chronicle" for insertion in his Paper of the 11<sup>th</sup>. I request permission to add a few words in further explanation.

A Person unacquainted with the localities would, doubtless, imagine from Sir John Franklin's statement, that Richmond, where Mr. Aislachie resides, was so far distant from Robert Town, or that the Road was so difficult

G. W. Hope Esq<sup>r</sup>  
 y. y. y.

to



to travel, that Mr. Asplachie's position was in consequence so isolated as to preclude his communications from reaching Hobart Town, within the time mentioned, unless made specially by himself. But such is not the fact, Richmond is a populous Town, it is distant but twelve miles from Hobart Town, with an excellent Road (equal to any in England) between them, with constant, incessant intercourse going on.

As it is not likely that Mr. Asplachie who had been so prominent in Dr. Coverdale's restoration to Office would not immediately communicate to his friends at Richmond the substance of the Letters, relating as they did to Dr. Coverdale's Petition in which the Community had long been satisfied Sir John Franklin's extraordinary proceeding towards me had originated, a proceeding which at that moment every one's minds was occupied with, it is hardly possible to conceive that between 7 O'clock A. M. of the 9<sup>th</sup> of February, when Mr. Asplachie received my Letter of the 8<sup>th</sup> and 6 O'clock P. M.

P. M. of the 11<sup>th</sup> when the "Van Diemen's  
 "Land Chronicle" was published, that the substance  
 of those Letters should not have found its way  
 to Hobart Town, and I therefore submit for  
 Lord Stanley's consideration that before Sir John  
 Franklin drew his inference to my prejudice,  
 and made it a matter of charge against me,  
 he should have stated that he had ascertained  
 M<sup>r</sup>. Astlake had not communicated with any  
one, and not have confined his statement of  
 non-communication with Hobart Town only. His  
 not having done so, however, shows that his  
 inference is as unfair, as the reasoning upon  
 which it is founded, is incomplete and unaided.

In my communications, submitted for Lord  
 Stanley's consideration, I have been anxious to  
 support every statement I have made by documentary  
 evidence. With the same object I beg to trouble  
 you with the enclosed Extracts of communication  
 made to me by four Gentlemen. They support  
 the statements in my Letter to you of the 10<sup>th</sup>  
 instant respecting the means adopted to prejudice  
 me with Sir John Franklin, and also, that his  
 proceedings against me were made public through  
 other channels than myself.

The two last communications received before  
 my

my departure from Van Diemen's Land. The two last subsequently. The dates of all are very important. I regret it did not occur to me to send these Extracts in my last Letter. I have more of a similar tendency.

Being afraid that I omitted to transmit to you the 16<sup>th</sup> Number of the "Van Diemen's Land Chronicle" dated 8<sup>th</sup> Nov<sup>r</sup> 1841, containing the Article which is so degrading to Sir John Franklin's Government and so insulting to himself personally, I now beg to inclose it, that Lord Stanley may the more readily refer to the objectionable Article for which the Editor was excused by the Private Secretary with a very long Article for insertion in his following number (17) of the 12<sup>th</sup> of November.

May I request you will do me the honor to submit this Letter to Lord Stanley at your convenience.

I am Enchanted to you I should P.  
 Page 291 (Signed) John Montagu.

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### Extracts.

1<sup>st</sup> Communication dated 25<sup>th</sup> January 1842

"Mr. Gregson with his Organ the Morning"

Advertiser

"Admiral" has rejoiced him (Sir John Franklin) that if he acted decisively and showed his courage upon this occasion - the Colonists, the people, would rally round to his support. My impression is that he will find a fearful difference."

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2<sup>nd</sup> Communication dated 1<sup>st</sup> February 1842.

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"During the whole of this period (the Month of January) the most wished reports were circulated by those who were now in the confidence of Government House, at all events they were constantly with the Private Secretary there, and going in and out of that Gentleman's Room many times in each day, after each time relating in their own way, what was going on, and giving out that suspension would be the result, and Mr. Esdaile Bedford (Lady Franklin's Medical Attendant) showing the Correspondence &c &c and it is through these means that public curiosity and discussion were first excited."

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3<sup>rd</sup> Communication dated 8<sup>th</sup> March 1842.

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"It cannot be forgotten that a Month before  
your

"your suspension the same was common Town"  
 "talk, and even your successor then named"  
 "in Mr. Boyes."

"Lady Franklin was a constant Visitor"  
 "at Gregson's. Miss Gregson was living at "  
 "Government House and Gregson there continually."

14<sup>th</sup> Communication dated 1<sup>st</sup> March 1842.

The Writer informs me he had addressed  
 a Letter to Lady Franklin after my departure,  
 copy of which he sent to me, and in it he  
 states "you were kind enough last Evening"  
 "to ask me to contribute a Paper for the"  
 "Tasmanian Journal" and which I was obliged"  
 "however reluctantly to decline, as I had already"  
 "done to Mr. Gell when he made the same"  
 "request, and had begged that my connection "  
 "with the Journal might cease, since I would"  
 "not join hand and heart with those whom "  
 "I had every reason to believe, were the means "  
 "of widening if not of causing a breach between"  
 "His Excellency, and one whom I knew, to "  
 "have been amongst his best and truest friends."

He

He saw Lady Franklin a day or two  
 after writing the above Letter, and then  
 adds. "I went to Government House and  
 saw Lady Franklin; she was very bland  
 and entered on the subject immediately, which  
 I thought she would have avoided. She asked,  
 if I did not mean Henslow and Bedford."  
 "I told her yes. She wished to defend Henslow,  
 but passed over Bedford, who I openly affirmed  
 to be acting under false colors and pretended  
 friendships, which I imagine she is aware of  
 as much as any body & & She urged me  
 to be friends with Henslow & &  
 "Henslow himself came along the passage,"  
 "and I gave him the cut direct, thus bringing  
 the matter to an end, and have since done  
 the same to Bedford, with much greater  
 reluctance, because we have been friends for so  
 many years. but I think I have taken the  
 right course, for when a Professional Man  
 goes out of his way, from vindictive and  
 revengeful feelings, to give advice to the injury  
 of his Neighbour, his conduct demands a reprimand."

Signed, John Montagu  
 13<sup>th</sup> August 1842

(Referred to at page 250 & page 286) 291  
Enclosure No 1

has parts in the Article referred to  
by the Chicago Convention for  
the U. S. & Land Office  
of 5<sup>th</sup> November 1861

Downing Street  
17<sup>th</sup> September 1842.

Sir,

I am directed by Lord Stanley to transmit to you for your information a copy of a Despatch (N<sup>o</sup> 130. 13 Sept. 1842) which his Lordship has addressed to Lieut. Governor Sir John Franklin communicating to him his opinion in regard to the circumstances which led to your suspension from the Office of Colonial Secretary at Van Diemen's Land.

You will consider that Despatch as conveying to you his Lordship's decision on your case.

I remain &c.

(Signed) Jas. Stephen

John Montagu Esq.<sup>r</sup>

N<sup>o</sup> 130

Downing Street  
13<sup>th</sup> Sept. 1842.

Sir,

I have received the series of Despatches enumerated in the Margin (N<sup>o</sup> 2 27<sup>th</sup> Jan. 1842 N<sup>o</sup> 3. 2 Feb. 1842 N<sup>o</sup> 4. 9 Feb. 1842)

Sir John Franklin  
F. F. F.

1842



1842- N<sup>o</sup> 7- 18 Feb'y 1842 N<sup>o</sup> 7. 18 Feb'y 1842  
N<sup>o</sup> 22. Feb'y 1842 N<sup>o</sup> 18- 26<sup>th</sup> Feb'y 1842 N<sup>o</sup> 19-  
1<sup>st</sup> March 1842. N<sup>o</sup> 33 5<sup>th</sup> March 1842) reporting  
the various occurrences which led to the  
suspension from Office of M<sup>r</sup>. Montagu the  
Colonial Secretary of Van Diemen's Land, and  
to the arrival of that Gentleman in this  
Country.

This voluminous mass of papers has  
occupied much of my time and has engaged  
my deliberate attention. In proceeding to announce  
to you the decision at which I have arrived,  
I shall not attempt to enter with any  
minuteness into the various details and  
circumstances of the transactions to which  
they refer. Unfortunately the merits of the  
question are already so much darkened by  
the redundancy of the discussions in which  
it has been involved that any addition to  
their length or number would rather increase  
than dissipate the obscurity. I shall therefore  
confine myself to a brief recapitulation of  
the charges preferred against M<sup>r</sup>. Montagu &  
to a statement of the conclusion which I have  
adopted

adopted respecting each of them.

1st You have represented, in substance, (I purposely abstain from the quotation of the pages over which the complaint is spread) that Mr. Montagu had acquired an influence and authority in the administration of the affairs of your Government far exceeding that which properly belonged to his Office, that this influence was maintained by means which, if not culpable, were at least, objectionable, and was used in such a manner as to render his continued employment incompatible with the freedom and independence of action which the Lieutenant Governor ought to maintain.

I am not disposed to controvert, but rather to adopt, your opinion that various circumstances had conspired to place in the hands of Mr. Montagu a degree of personal authority, which, if not balanced by great energy and decision in his immediate superior, would probably tend to invert the relations which ought to subsist between them. But I find no reason to impute to Mr. Montagu the blame of

of having acquired this power by any unworthy means or dishonest arts, or of having employed it for any sinister purpose or, in an unbecoming spirit.

Duals It is represented that when you overruled Mr. Montagu's advice in the case of Dr. Overdale, Mr. Montagu manifested his discontent by words, and by a course of conduct unbefitting his position and yours, disrespectfully intimating that the zeal which he had till then exhibited in the performance of his duty, would be relaxed, and carrying that intimation into effect under such circumstances as to justify the belief that it was his design to embarrass you by suddenly exposing you to what he esteemed insuperable difficulties.

I am not able entirely to acquit Mr. Montagu of having in reference to Dr. Overdale's case employed some language which you not unreasonably regarded as a menace, or of having ceased to render you his Official Services in the same cordial and zealous spirit which, till then, he had been accustomed

to convince towards you. It may be difficult  
to condemn a public Servant who faithfully  
and ably performs whatever lies within the  
strict range of his duty for not advancing  
further and yielding the aid which public  
spirit would prompt, or which a stronger  
personal regard for his Superior would  
suggest. But the abrupt abandonment of  
a cordial co-operation for a service confined  
within the exact limits of positive duty may  
be subject of a legitimate reproach, and  
from that reproach M<sup>r</sup> Montagu is not  
I think altogether to be exempted.

3<sup>rdly</sup> M<sup>r</sup> Montagu is charged with  
having made an improper use in the  
course of these proceedings of the name of  
a Lady the most intimately allied to your-  
self. I pass as rapidly as possible from  
such a topic confining myself to the single  
remark, that the imputation does not  
appear to me to be well founded.

4<sup>th</sup> The next ground of accusation  
is M<sup>r</sup> Montagu's neglect to take <sup>proper</sup> notice of  
Articles

Articles insulting to yourself and your Family, which appeared in a Newspaper published under his auspices, and for which he had obtained your patronage, and his name, by his conduct, given countenance to the opinion that he had some personal connection with these injurious Paragraphs.

After fully weighing every point of this Case, I entirely acquit Mr. Montagu of all connection with the offensive Articles in question or with the Authors of them, or of having done anything to promote such publications, or having omitted to do anything which from his position in reference to yourself and to your Government might reasonably have been expected of him to prevent and disavow them.

3<sup>thly</sup> You complain of the language addressed by Mr. Montagu to your Private Secretary and to yourself on the subject of these Newspaper Paragraphs as having been wanting in the respect which it was his duty to observe towards you, and as having, in one instance, conveyed an insulting imputation on your

credibility

credibility. On this point of the case also I think that Mr. Montagu is entitled to be entirely acquitted of blame. He did indeed, make use of an inadvertent expression in one of his Letters to you; but the frankness and earnestness with which the error was acknowledged, and with which your forgiveness was solicited, seem to me to have been an ample atonement for an unfortunate selection of words - for such, and not any intentional insult was the real character of the offence.

6<sup>thly</sup> It is imputed to Mr. Montagu that he made an improper appeal against your suspension of him to the public at large through the Local Newspapers at the very moment when he was contemplating a return to this Country to prefer his Appeal to myself.

I think that he has fully exculpated himself from this accusation.

Finally you represent that Mr. Montagu authorized the expenditure of large sums of public money in exciting the "Fierce and Spirited" of

of a Church not merely without your authority,  
but with a studious intention of keeping  
you in the dark on the subject.

Here again I think that Mr. Montagu  
is entitled to be completely absolved of the  
fault imputed to him. He had no notice  
of the charge before leaving Van Diemens  
Land, but he has since repelled it to my  
entire satisfaction.

The result of my consideration of the  
whole subject is, as you will see, to release  
Mr. Montagu from every censure which impugns  
the integrity or the propriety of his conduct,  
while I am compelled to admit that the  
circumstances of the case are such as to render  
his restoration to his Office in Van Diemens  
Land highly inexpedient. It was, therefore  
gratifying to me to have it in my power to  
offer him an equivalent, which, while it  
would mark my undiminished confidence  
in his disposition and ability to render effective  
Public Service, would direct his talents to a  
field of labor in which they could be exerted  
without

without the inconvenience which must attend  
his resumption of his duties as Colonial  
Secretary at Van Diemens Land. I offered  
for his acceptance the vacant Office of  
Colonial Secretary at the Cape of Good  
Hope, and he has cheerfully accepted it.  
It cannot be too distinctly understood  
that Mr. Montagu retires from the situation  
he has so long filled with his Public and  
personal character unimpaired, and with his  
hold on the respect and confidence of Her  
Majestys Government undiminished. Mr. Bicheno  
has been appointed to succeed to Mr. Montagu  
at Van Diemens Land, and his arrival may  
be expected shortly after your receipt of this  
Despatch.

I am not aware that it could  
answer any useful purpose to enter more  
fully into the merits of this protracted  
controversy. But reluctant as I am to employ  
a single expression which is likely to be  
unwelcome to you, I am compelled to add  
that your proceedings in the case of Mr. Montagu



do not appear to me to have been well  
judged, and that your suspension of him  
from Office is not, in my opinion, suffi-  
-ciently vindicated.

I have &c  
(Signed) Stanley.

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109 Leinster Street  
17<sup>th</sup> September 1842.

Sir,

I have the honor to acknowledge  
your Letter of this day.

I hasten to request you will do me  
the honor to convey to Lord Stanley my most  
grateful- my heartfelt acknowledgments for  
the patient, laborious and searching  
investigation he has applied to my Cases

Conscious of my innocence, it rejoiced  
me to observe his steady progress, feeling  
perfectly confident that the result would be,  
as his Lordship has expressed to relieve me

James Stephen Esq.  
Y<sup>e</sup> Y<sup>e</sup> Y<sup>e</sup>

from

from every censure which impugned the integrity or propriety of my conduct.

I assure his Lordship that I duly appreciate his high opinion, that my public and personal character are unimpaired, <sup>and</sup> his assurance that I continue to hold the undiminished respect and confidence of Her Majesty's Government.

It is quite impossible for a public Servant to expect or require a more honorable and gratifying testimonial, and I confidently trust that my conduct will ever merit the warmest and distinguished approbation I have the felicity to enjoy.

Lord Stanley's intimation, that I cheerfully accepted his offer, has relieved me from much anxiety. I had feared I had betrayed the conflict in my mind between private feeling and public duty, when his Lordship informed me he should not confirm the act of suspension and then, in terms so complimentary, offered me the

Superior

superior Appointment at the Cape - I am  
very happy to learn that my fears were  
groundless. After the great trouble his  
Lordship had taken it would have been  
ungrateful <sup>indeed</sup> ~~unwise~~ if I had evinced reluctance  
or even hesitation in assenting to any  
arrangement he desired.

His Lordship will I trust pardon  
me for alluding to his remark that he  
thinks I am not altogether to be exempted  
from reproach.

I can assure his Lordship upon  
my honor, that the representations from  
Sir John Franklin which have occasioned  
it are as incorrect as every other he has  
made against me. But nothing from him  
can now surprise me. He and I alone  
know the truth upon that subject, and if  
upon perusing Lord Stanley's remarks, his conscience  
does not bitterly reproach him, he is indeed  
deeply to be pitied. Severely as I have suffered  
by discomfort, anxiety and pecuniary loss from  
the unjust and cruel treatment I have recently  
experienced

from Sir John Franklin. I freely forgive  
and hope soon to forget it all. His  
Mental sufferings however, must far  
exceed any thing I have endured, and  
while the small, still Voice of conscience  
will never cease to reprove and sting him  
by the most painful retrospections, he will  
also be reminded that his proceedings have  
issued to my honor and advantage.

I remain &c

(Signed) John Montagu

109 Tormyn Street  
26<sup>th</sup> September 1862.

Sir,

Permit me to solicit attention  
to your Letter of the 17<sup>th</sup> instant com-  
-municating to me Lord Stanley's opinion  
in regard to the circumstances which  
led to my suspension from the Office  
of Colonial Secretary of Van Diemen's  
Land, and to request you will do me  
the honor to submit to his Lordship  
that I should feel much obliged by his  
causing the Colonial Agent to be instructed  
to issue to me the Salary attached to  
that Office from the 3<sup>rd</sup> of January last.  
By the enclosed Copy of the Government  
Gazette his Lordship will perceive that W.

James Stephen Esq.<sup>d</sup>  
Y<sup>r</sup> Y<sup>r</sup> Y<sup>r</sup>

Boyes

Boyes was appointed by Sir John Franklin to that Office on the 2<sup>d</sup> of February last. Since that day I have not received any Salary whatever.

I have &c  
(Signed) John Montagu.

Downing Street.  
17<sup>th</sup> October 1842.

Sir,

Having laid before Lord Stanley your Letter of the 26<sup>th</sup> Ultimo I am directed by his Lordship to acquaint you that under the peculiar circumstances of your Case, he has authorized the Colonial Agent for Van Diemen's Land to issue to you the full Salary of your late Office as Colonial Secretary from the 3<sup>d</sup> of February last to the 28<sup>th</sup> Ultimo, the date of your Appointment as Secretary to the Cape of Good Hope.

I am &c  
(Signed) James Stephen  
John Montagu Esq.      J.      J.      J.